

# **EXHIBIT 35**

**Filed Under Seal**

CMS Preliminary Reviews Report for March 2023 (0716/23)

Investigator's Justification for Determination: UOF: U0716/2023

Brief Narrative:

Based on staff reports, Injury to PIC Reports, PIC statements and video surveillance the following was revealed:

On February 05, 2023, in Robert N. Davoren Center, 2 Upper South Housing Area, Officer [REDACTED] was assigned to the 2 Upper South post, and a review of the incident revealed multiple cell doors unsecured. PICs [REDACTED] and [REDACTED] were all malingering around a cell and a physical altercation ensued as they entered the cell. Officer [REDACTED] entered inside of the cell and escorted all unauthorized individuals out. Moments later Officer [REDACTED] opened PIC [REDACTED] cell and proceeded to engage in a physical altercation with other PICs. Captain [REDACTED] and Officer [REDACTED] gave orders to stop fighting, but they refused to comply. Officer [REDACTED] deployed chemical agent and Captain [REDACTED] utilized soft hand techniques on PIC [REDACTED], separating him from the other PICs.

Brief Summary of Video Footage:

On February 05, 2023, this investigator viewed the following angles from February 05, 2023, at approximately 1714 hours to 1750 hours, in RNDC 2 Upper South Housing Area.

(A) [REDACTED]

(B) [REDACTED]

Staff/PIC Injuries/Accuracy of UOF Classification:

According to Injury to Inmate Report, FY23-2942, generated on February 05, 2023, at approximately 1830 hours, PIC [REDACTED] had a laceration to the inner surface of upper lip, with visible injuries.

According to Injury to Inmate Report, FY23-2944, generated on February 05, 2023, at approximately 1940 hours. PIC [REDACTED] was involved in a PIC fight and denies any injuries, with no visible injuries noted.

According to Injury to Inmate Report, FY23-2943, generated on February 05, 2023, at approximately 2000 hours. PIC [REDACTED] was involved in a PIC fight and denies any injuries, with no visible injuries noted.

There were no staff injuries reported to COD.

The injuries to PIC [REDACTED] were caused by the PIC fight, and a request to downgrade the Classification from an A Use of Force is needed.

Brief Summary of Staff and PIC statements:

PIC [REDACTED] refused to provide a statement to the facility regarding this incident.

PIC [REDACTED] refused to provide a statement to the facility regarding this incident.

PIC [REDACTED] refused to provide a statement to the facility regarding this incident.

The available staff reports were consistent with what was reviewed on video evidence.

Unavoidable/Avoidable and Facility Rapid Review:

The ID determined that this incident was avoidable, Officer [REDACTED] was inefficient in her duties whereas she failed to maintain the safety and security of her assigned post by allowing individuals to enter and exit multiple cells freely.

The Rapid Review stated that Officer [REDACTED] lacked situational awareness and allowed PIC [REDACTED] to exit his cell immediately after an altercation inside of his cell, which resulted in a physical altercation and a Use of Force. The facility will generate a Command Discipline for Officer [REDACTED]

Conclusion: The ID determined that the force used in this incident was necessary and proportionate and within guidelines set forth by the Use of Force Directive 5006R-D. This Use of Force was avoidable due to lack of situational awareness. This case is recommended for closure as the Facility will generate a Command Discipline for Officer [REDACTED].

No further investigative actions.

## CMS Preliminary Reviews Report for April 2023 (1091/23)

## Investigator's Justification for Determination: U1091-23

On February 28, 2023, at 1108 hours, in AMKC housing area Quad Lower 5, PICs [REDACTED] and [REDACTED] were involved in a fight and reportedly refused orders to stop fighting ([REDACTED]). Officer [REDACTED] deployed chemical agents [REDACTED] towards the PICs and Officer [REDACTED] also deployed chemical agents simultaneously as the PICs continue to fight. Officer [REDACTED] attempted to secure PIC [REDACTED] in restraints at which time the PIC twisted his body. Officer [REDACTED] grabbed the PIC by the upper body and secured him to the floor. The struggle was not observed in its entirety due to the position of the incident [REDACTED]. It appeared that strikes were thrown toward the PICs body ([REDACTED]) but it is unclear due to the positioning of the incident. Officer [REDACTED] then threw the institutional keys toward the vestibule gate at which time Officer [REDACTED] exited the area and engaged in the struggle. The PIC was assisted onto his feet and secured in restraints. PIC [REDACTED] pulled his body away from Officer [REDACTED] while being secured to the wall. The incident was then not captured on video evidence due to the positioning of staff. While being escorted out of the area, PIC [REDACTED] pulled away from ADW [REDACTED] who pushed the PIC toward the wall and reaffirmed the escort holds.

## BWC

[REDACTED] Officer [REDACTED] attempted to secure PIC [REDACTED] in restraints at which time a struggle ensued in the bridge area. It should be noted that profanity was heard but it is unclear who was speaking. Officer [REDACTED] was observed with his forearm across the PICs neck area and then his hand on the PICs facial area. Someone was heard stating stop spitting. Staff covered the PICs facial area while giving instructions for the PIC to turn over. Chemical agents were then utilized at a distance less than three feet.

It should be noted that the A-post door was unsecured.

## Video Surveillance:

Genetec video surveillance angle [REDACTED] captured PIC-on-PIC fight on February 28, 2023, at 1108 hours, and UOF at 11:09:13 pm. Additional angles [REDACTED]  
The Genetec Video Surveillance footage depicted the incident as narrated above.

## BWC

[REDACTED]

[REDACTED] - noted BWC not arrived in DEMS

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]  
[REDACTED]  
Staff/PIC injuries, Accuracy of UOF classification:

February 28, 2023, the PICs received prompt medical attention and had no visible injuries. This incident was correctly classified as a 'C' UOF as no injuries were sustained in this incident.

Staff and PICs statements:

PICS [REDACTED] and [REDACTED] refused to provide a statement to the facility.

On March 06, 2023, Investigators [REDACTED] and [REDACTED] interviewed PIC [REDACTED] who stated that he was jumped and attacked by an individual for no reason. The individual threatened to kill him. PIC [REDACTED] sustained injuries to his face and neck as a result of this fight. PIC [REDACTED] attacked the officer because he was sprayed with OC by the officer for no reason. PIC [REDACTED] also stated that he cant stand the officers who act tough. PIC [REDACTED] feels very irritated and wants to kill on of the officers and believed that he should be in the streets due to his charges.

On March 6, 2023, Investigators [REDACTED] and [REDACTED] interviewed PIC [REDACTED] who stated that he got into an argument with this Spanish dude (PIC [REDACTED]) and he was invited into the bathroom and the Spanish dude started the fight. PIC [REDACTED] stated he was going to kill him. PIC [REDACTED] defended himself and fought back. The officers sprayed both PICS.

Facility Rapid Review:

The Rapid Review conducted by Deputy Warden [REDACTED] noted the incident was unavoidable with no procedural errors identified or corrective action recommended. The remarks state that Officer [REDACTED] and Officer [REDACTED] was observed deploying chemical agents at a distance less than three feet. However, the PIC was very assaultive on continuously spitting on staff and distance was not allowed because staff was on the floor struggling to restrain the PIC and gain compliance. The remarks further state that Officer [REDACTED] was observed with his arm on the PICs neck and face as the PIC continued to spit on staff while on the floor. It was also noted that Officer [REDACTED] threw housing area keys to allow other staff out of the housing area to assist ad the PIC was highly assaultive, and staff needed more assistance. Officer [REDACTED] also left the A station door unsecured to help staff who was in need of assistance.

conclusion

Based on the evidence as cited above, it is recommended that this incident be upgraded to FULL ID investigation due to head strikes.

## CMS Preliminary Reviews Report for April 2023 (1534/23)

Investigator's Justification for Determination: UOF: U1534/23

### Brief Incident Summary

On March 26, 2023 at RNDC, in housing area 2 Lower South at approximately 1013 hours, Captain [REDACTED], secured PICs [REDACTED] in the dayroom ([REDACTED]). Upon Captain [REDACTED] leaving the area with other DOC staff, the PICs broke the dayroom door window along with the "C" gate window, and climbed out of the dayroom ([REDACTED]). At approximately 1019 hours, several PICs were observed applying soap at the tier entrance and destroying DOC property ([REDACTED]). At approximately 1022 hours, several PICs obstructed several cameras ([REDACTED]). When the Probe Team staff entered the housing area, the PICs advanced toward staff with plexiglass, a trash can, and other unauthorized objects, striking the Poly Carbon shield ([REDACTED]). Chemical agent was deployed, and staff proceeded into the housing area, at which time, the PICs were secured and escorted to the intake without further incident.

### Video Surveillance

#### Genetec Video Surveillance

On April 4, 2023, this writer viewed the following angles from March 26, 2023, at 0948 hours to 1210 hours in RNDC 2 Lower housing area, and the escort to the Intake.

- (A) [REDACTED]
- (B) [REDACTED]
- (C) [REDACTED]
- (D) [REDACTED]
- (E) [REDACTED]

#### Body worn cameras reviewed:

- (A) [REDACTED]
- (B) [REDACTED]
- (C) [REDACTED]
- (D) [REDACTED]
- (E) [REDACTED]
- (F) [REDACTED]

(G) [REDACTED]

(H) [REDACTED]

(I) [REDACTED]

(J) [REDACTED]

(K) [REDACTED]

(L) [REDACTED]

(M) [REDACTED]

Handheld camera video reviewed:

(A) [REDACTED]

Genetec Video Surveillance, Handheld Camera video, and Body Worn Camera footage depicted the incident as narrated above.

Staff/PIC injuries, Accuracy of UOF classification:

On March 26, 2023, PICS [REDACTED]  
[REDACTED] refused medical attention with no visible injuries.

PIC [REDACTED] refused medical attention and was observed with erythema to rear of the neck.

PIC [REDACTED] refused medical attention and was observed with facial and neck redness.

PIC [REDACTED] refused medical attention and was observed with erythema to the eyes.

PIC [REDACTED] refused medical attention and was observed with erythema to right eye.

PIC [REDACTED] refused medical attention and was observed with erythema on the neck.

PIC [REDACTED] refused medical attention and was observed with a lump to the right forehead.

PIC [REDACTED] sustained a superficial lacerations to the nose bridge, numbness to hands, and old scars to left forearm and right hand, erythema to face/neck/shoulders and back. Additionally, PIC [REDACTED] alleged to medical staff that he was beaten up by DOC staff and sprayed. He also stated that he will kill himself.

PIC [REDACTED] sustained a laceration to the right-hand 3rd and 4th digit, abrasion to the 5th digit left hand, an abrasion to the left shoulder, and redness to stomach and chest area (Urgi-care for repairs).

PIC [REDACTED] sustained a laceration to left elbow and treated with Dermabond.

There were no reported staff injuries.

The Use of Force was correctly classified as an "A" due to the PIC injuries reported.

Brief summary of Staff and PIC statements.

On March 26, 2023, PICs [REDACTED]

On April 3, 2023, PIC [REDACTED] verbally stated to the ID, "They tried to lock us down on some bullshit," and refused to say anything more.

PIC [REDACTED] verbally stated to the ID, "Everything was a misunderstanding. That's all I want to say." PICs [REDACTED] refused to give a statement to the ID.

PIC [REDACTED] verbally stated to the ID that, "Everything was a misunderstanding. That's all I want to say" and refused to say anything more.

On March 28, 23, PIC [REDACTED] bailed out from DOC custody and ID did not obtain an interview.

On April 6, 2023, PIC [REDACTED] refused to give a statement to the ID. Additionally, on April 6, 2023, at approximately 1408 hours at RNDC 2LS, Inv. [REDACTED] and Inv. [REDACTED] attempted to get a statement from PIC [REDACTED], regarding the allegation he made to medical on 03/26/23, that he was beaten up by DOC staff and sprayed. However, PIC [REDACTED] refused to give a statement. Therefore, his allegation is unsubstantiated.

#### Facility Rapid Review:

The Rapid Review was conducted by Warden [REDACTED], and the facility deemed this incident avoidable, stating that supervisor (Captain [REDACTED]) failed to follow Tour Commander's orders and instructed staff to depart the area. Therefore, a Memorandum of Complaint (MOC) was recommended. On April 12, 2023, Inv. [REDACTED] spoke with Deputy Warden [REDACTED] via telephone, for clarification of the MOC recommended. DW [REDACTED] informed that the MOC was generated for Captain [REDACTED] for ignoring a direct order to lock-in the housing area. Although the MOC was generated, it is not linked to CMS because it is not associated to the Use of Force incident. Additionally, DW [REDACTED], informed this writer that the MOC was generated, and is awaiting a report from Captain [REDACTED] along with the approval from Warden [REDACTED] MOC Log number is pending.

#### Conclusion:

Based on the above circumstances, this incident does meet the criteria of a full ID investigation, due to this incident being classified as an "A" UOF incident.



CMS Preliminary Reviews Report for April 2023 (1544/23)

Investigator's Justification for Determination: U1544/2023

BRIEF Incident Summary

On March 26, 2023, at approximately 1701 hours, within the confines of GRVC 17A PIC [REDACTED] was being disruptive and advanced towards the housing area door in order to exit the area. PIC [REDACTED] pushed Officer [REDACTED] to the upper torso area and exited the housing area. As Officer [REDACTED] was attempting to prevent [REDACTED] from exiting the housing unit, she could be seen momentarily grabbing [REDACTED] by the neck area. Officers [REDACTED] and [REDACTED] secured the PIC on the wall, and the PIC pulled away before he ceased his aggression. As Officer [REDACTED] was attempting to restrain PIC [REDACTED], his elbow/forearm made contact to [REDACTED] head/facial area. PIC [REDACTED] was then escorted out of the area, terminating the incident.

Video Surveillance

On March 27, 2023, this investigator viewed the following from March 26, 2023, at approximately 1630 hours to 1800 hours in GRVC 17A housing area.

(A) [REDACTED]

(B) [REDACTED]

BWC:

(C) [REDACTED]

(D) [REDACTED]

(E) [REDACTED]

Staff/PIC Injuries, Accuracy of UOF classification:

On March 26, 2023, PIC [REDACTED] was seen in the GRVC clinic where he refused to be treated and had no serious injury. PIC [REDACTED] was returned to his housing area.

Brief summary of Staff and PIC statements.

PIC [REDACTED] refused to provide a statement to the facility or medical staff. On April 2, 2023, a 311 complaint [REDACTED] was placed by PIC [REDACTED]. PIC [REDACTED] stated that he was being bribed by correction officers, taken advantage of psych meds. [REDACTED] went on to state that he went into the hall and staff punched him in the face.

On April 13, 2023, Investigators [REDACTED] and [REDACTED] interviewed PIC [REDACTED] in GRVC. PIC [REDACTED] stated that last month he was having a mental breakdown, and he pushed past Officer [REDACTED] to get air in the hall. [REDACTED] stated that Officer [REDACTED] punched him in the face and Officer [REDACTED] choked him. There were 3 officers 1 male and 2 females. Officer [REDACTED] said that since he got into the incident with Officer [REDACTED], he wasn't going to feed him extra crackers. Extra crackers not institutional food.

Available staff reports were not consistent with what was observed on video footage. CO [REDACTED] nor CO [REDACTED] made note that CO [REDACTED]'s forearm made contact to PIC [REDACTED]'s head/facial area during the incident.

Facility Rapid Review:

The facility deemed this incident unavoidable, due to PIC [REDACTED] aggression towards spontaneous advancement towards staff and pushing past staff to exit the housing area. DW [REDACTED] did not identify any procedural issues.

Conclusion:

Based on the evidence as cited above, it is recommended that this case be referred to the Full ID team due to a blow to the head. Video evidence shows Officer [REDACTED] striking PIC [REDACTED] to the facial/head area with his elbow as the PIC was pushing past him.

CMS Preliminary Reviews Report for April 2023 (1656/23)

Investigator's Justification for Determination: UOF 1656-23 NIC

Incident Summary : On April 1, 2023, at approximately 0907 hours [REDACTED] was being afforded breakfast when he threw milk towards Officer [REDACTED]. Additional staff arrived in the area, PIC [REDACTED] was rear-cuffed from the cuffing port, staff searched his cell, then attempted to place PIC [REDACTED] in the adjacent cell due to his current cell being inoperable. PIC [REDACTED] resisted Officers [REDACTED] and [REDACTED] control hold while being escorted into the cell and was taken down to the ground [REDACTED]. PIC [REDACTED] is held on the ground until the probe team arrived, assisted to his feet, escorted to the clinic, seen by medical staff, then escorted back into his cell, and secured, terminating the incident.

Genetec video surveillance angles [REDACTED] viewed from 0845 hours to 0940 hours on April 1, 2023, accurately depicted the incident as narrated above.

BWC:

[REDACTED]  
[REDACTED]  
[REDACTED]

Handheld Video:

[REDACTED]  
[REDACTED]

Staff/PIC injuries, the accuracy of UOF classification:

PIC [REDACTED] received prompt medical attention, bleeding from nose, swelling on forehead and nose, facial contusion, nose contusion, and a facial bone x-ray was ordered.

No injuries to staff were reported for this incident. However, it was reported that PIC [REDACTED] sustained a facial and nose contusion and post-concussive syndrome during this incident as a result of staff taking him down to the ground. Therefore, this incident is accurately classified as an "A" Use of Force.

Summary of Staff and PIC statements:

On April 11, 2023, Investigators [REDACTED] of the investigation Division interviewed PIC [REDACTED] at approximately 0907 hours in GRVC housing area 11A Cell #20 where he refused to give a statement. This incident was captured in its entirety on Genetec, Handheld, and BWC Video. In addition, staff reports were consistent with the events captured on Genetec, Handheld, and BWC Video.

Unavoidable/Avoidable and Facility Rapid Review:

The Rapid Review conducted by DW [REDACTED] determined that this incident was unavoidable, no procedural errors were identified.

The investigation determined that this incident will be referred for further investigation.

Based on the evidence as cited above, it is recommended that this case be referred for further investigation due to PIC [REDACTED] receiving a facial injury as a result of staff action during this incident.

CMS Preliminary Reviews Report for May 2023 (UOF 1951/23)

Investigator's Justification for Determination: UOF #: 1951/23

Facility: GRVC

#### Synopsis

On April 16, 2023, at approximately 20:12:30 hours Correction Officer [REDACTED] entered the GRVC Building 11 vestibule with PIC Gonzalez, Joshua B/C 2102200576 NYSID # 08124605J ([REDACTED]). At 20:12:34 hours [REDACTED] PIC Gonzalez was observed putting his left leg out in front of him and dropping his right leg to a bent knee lowering his body. CO [REDACTED] was observed holding PIC Gonzalez by his left upper arm. At 20:12:36 hours CO [REDACTED] placed both his left and right arms and hands around PIC Gonzalez left arm and swung PIC Gonzalez around to the left and back resulting in both CO [REDACTED] and PIC Gonzalez falling to the floor. At 20:12:37 PIC Gonzalez fell to the ground landing face down hitting his face on the floor while in rear mechanical restraints. At 20:12:38 hours CO [REDACTED] utilized his right forearm and placed it on the back of PIC Gonzalez's neck while using the rest of his upper torso area to lay on PIC Gonzalez's back. ([REDACTED]). At 20:12:45 hours CO [REDACTED] was observed exiting the "A" station walking towards PIC Gonzalez and CO [REDACTED] and kneeling on the ground by the head area of PIC Gonzalez. At 20:13:22 ([REDACTED]) CO [REDACTED] was observed adjusting his right arm placement moving it from PIC Gonzalez's neck area to the upper back. At that same time, CO [REDACTED] entered the vestibule from the 11A housing area and stood above PIC Gonzalez and COs [REDACTED] and [REDACTED]. CO [REDACTED] enters the housing area and was observed getting leg restraints and placing them on PIC Gonzalez 20:15:02 ([REDACTED]). PIC Gonzalez was not observed kicking or resisting in any obvious manner once on the ground. At 20:15:37 hours Captain [REDACTED] arrived at the building 11 vestibule while PIC Gonzalez was still secured on the ground. PIC Gonzalez was assisted to his feet and escorted to the clinic by COs [REDACTED] and [REDACTED] supervised by Captain [REDACTED] without further issue, terminating the incident.

#### Photographic Evidence

The facility provided one (1) front-facing image of PIC Gonzalez

#### Video evidence:

The following video evidence was reviewed from April 16, 2023, from 2000 hours to 2030 hours and depicted the incident as narrated above.

The Investigator and supervisor verified that there was Body Worn Camera footage, but no handheld evidence associated with this incident.

#### Facility and location

#### Angles:

[REDACTED]  
[REDACTED]  
[REDACTED]

Angles [REDACTED]

Body Worn Camera:

[REDACTED]  
[REDACTED]

Handheld Camera:

N/A

Staff/PIC injuries

Injury to Inmate Report, FY23/1048 noted on April 16, 2023, at 2030 hours, PIC Gonzalez was produced for prompt medical attention. Injury to Inmate Report states that PIC Gonzalez was involved in a Use of Force with DOC staff in GRVC inside of the 11 A vestibule. PIC Gonzalez was ambulatory with a superficial abrasion on the upper and lower lip, no edema, and no active bleeding.

There were no reported staff injuries by COD or the facility.

Accuracy of UOF classification:

This incident was correctly classified as a "B" UOF due to PIC injuries.

A brief summary of PIC statements.

PIC Gonzalez refused to provide a statement to the facility.

On April 19, 2023, at 1941 hours, DOC Service Desk notified ID of the following allegation (Task ID 191561) made to 311 constituent services:

on April 16th after coming from getting my medicine, I asked a C.O. if I can take a shower, he stated he didn't know anything about that and while I was handcuffed he slammed me on my face and twisted my arm shattering my teeth for no reason, no disposition was held when he was the one who used extra force and I also received 7 extra days in my program when I was the one injured.

Securus Review:

Investigator [REDACTED] conducted a review of Securus calls made to 311 using PIC Gonzales PIN # on April 19, 2023 and found the following pertinent call.

Date: April 19, 2023

Facility: GRVC

Port Location: Bld 11A R Uppr

Number Dialed: 212-639-9675

Pin Number Used: 753852

Time: 1931 hours to 19:37 hours

Securus synopsis:

"I want to make a complaint against Rikers Island staff, I was slammed on my face on Sunday. I do need medical attention, this happened Sunday. I've been receiving medical attention, but they said they put me on to see a dentist my teeth are shattered. Yes, I was treated already for that. My book and case number is 2102200576, I'm in GRVC housing area 11A. I was slammed on my face by a correction officer and my teeth are shattered. I've seen a Dr. but they told me ill have to get my teeth removed. I was slammed on my face because I wanted to take a shower. I didn't receive a ticket or nothing for it because I wasn't in the wrong, the Correction Officer was in the wrong. They didn't want me to take a shower, so they slammed me on my face while I was handcuffed. I was handcuffed while they did it."

Additionally, several calls were made to 311 in reference to PIC Gonzalez alleging [REDACTED]

#### PIC Interview:

On April 26, 2023, at 09:01 hours in the GRVC 11A housing area, [REDACTED] interviewed PIC Gonzalez who provided a voluntary statement, and a HIPAA medical release form.

PIC Gonzalez verbally stated to Investigators that "a light-skinned officer came to take him for DOT (medication) at around 1930 hours. PIC Gonzalez asked the Officer if he could take a shower. The Officer replied I don't know anything about that. As he was being escorted out for medication PIC Gonzalez leaned towards the "A" station window to ask the officer if he could take a shower, that is when he was slammed to the floor on his face and felt like his teeth were shattered. PIC Gonzalez explained that after he was slammed on the floor the officer continued to hold him down. Also, PIC stated that he told the Doctor that his teeth were shattered, and the Doctor stated they were already like that. He further explained that the Officer did not write a ticket after the use of force, and he was supposed to write it. The sergeant wrote it the next day".

On May 18th, 2023, at approximately 1145 hours, Investigators [REDACTED] and COI [REDACTED] went to George R. Vierno Center's General Office with a signed HIPAA form and requested the jail file for PIC Gonzalez. Upon review of the file, Investigators were unable to find any medical documentation that referenced any prior dental issues. Additionally, Investigators went to the facility Clinic and requested medical staff's assistance in reviewing the PIC's dental history that may be on file. The only information provided to Investigators was that on October 28, 2022, on PIC Gonzalez's medical history Intake form, noted he had tooth pain. Investigators requested a printout of this document and were denied. On April 28, 2023, PIC [REDACTED] was recommended to the facility dentist with an appointment but did not attend.

A request was made via email to the facility's Deputy Director of Dental Services for Riker's Island Dr. [REDACTED]. Dr. [REDACTED] responded to a review of PIC Gonzalez's dental history while in custody and stated that he had cleaning on 11/22/2022 and an extraction of a severely decayed and broken tooth #4 on 12/22/2022. He also had an existing upper partial denture replacing upper front teeth that were made while in custody upstate and they were in receipt of a complaint from DOC HAU on 4/20/23 requesting that the PIC be seen because "his teeth have been shattering since April 16th. Several appointments (4/24 and 4/28) were made to evaluate his complaint, but he was not produced to the dental clinic.

Furthermore, PIPC Gonzalez stated that the doctor noted the missing front teeth were preexisting and not from the Use of Force.

#### Staff reports

All staff reports were reviewed and were consistent with the video evidence and each other.

All reports utilized generalized terminology (used upper control holds) without describing the use of force or what was observed in detail. Additionally, Officer [REDACTED] failed to mention the force to the back of the PIC's neck.

#### Facility Rapid Review:

The Rapid Review conducted by Deputy Warden [REDACTED] noted that the incident was unavoidable with no painful escort techniques or procedural errors noted.

The Investigation Division does not concur with the Rapid Review findings and noted (2) two violations observed on Genetec Video surveillance. The first violation was observed when Officer [REDACTED] took PIC Gonzalez to the ground and utilized his right forearm to the back of PIC Gonzalez's neck for approximately forty-six (46) seconds before repositioning to the upper back. The second was a violation of the Rules and Regulations, due to building 11 A and B housing area doors and the door to the corridor being open at the same time for an extended period.

A Facility Referral was generated recommending Officers [REDACTED] and [REDACTED] for a Corrective Interview for unsecured housing area doors.

#### Conclusion:

Based on the evidence cited above, it is recommended that this case be referred for further investigation due to the PIC's allegation that he was slammed on his head.



CMS Preliminary Reviews Report for May 2023 (UOF 1598/23)

Investigator's Justification for Determination: UOF 1598/23

Facility: RNDC

Synopsis:

On March 29, 2023, at approximately 1651 hours in RNDC in 6 Central North vestibule area, Person in Custody (PIC) [REDACTED] became disruptive by entering the vestibule area unauthorized ([REDACTED]). Officer [REDACTED] appeared to exchange words with PIC [REDACTED] and utilized hand gestures to step back inside the housing area by blocking him from going any further and directing him back inside ([REDACTED]). PIC [REDACTED] began pushing his head onto Officers [REDACTED] head ([REDACTED]). Officer [REDACTED] utilized his right towards the PIC's neck to push him back and simultaneously PIC [REDACTED] began to throw closed fist punches toward Officer [REDACTED]. A struggle then ensued between the PIC and Officer [REDACTED] with the PIC throwing several punches towards Officer [REDACTED] upper torso and possibly facial area, and Officer [REDACTED] returned strikes. Officer [REDACTED] exited the bubble area and assisted Officer [REDACTED] with securing PIC [REDACTED] to the floor, however the PIC continued to struggle against staff at which point Officer [REDACTED] appeared to strike PIC [REDACTED] ([REDACTED]) as the officer was observed drawing back his left arm and then moving it forward, with PIC [REDACTED] body then recoiling. Captain [REDACTED] Officers [REDACTED] and [REDACTED] utilized control holds to secure the PIC to the floor and in restraints. PIC [REDACTED] was escorted out of building 5 to the corridor ([REDACTED]). The probe team escorted PIC to the main intake search area then secured in pen #7, without any further incident ([REDACTED] at [REDACTED]).

Photographic Evidence:

The facility uploaded one (1) side profile photograph of PIC [REDACTED] marked as a refusal.

The facility uploaded one (1) front, left hand, left side, right wrist profile photograph of Officer [REDACTED]

Video Evidence:

The following video evidence was reviewed from March 29, 2023, and 1650 hours to 1730 hours and depicted the incident as narrated above:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

The following Body Worn Camera (BWC) videos were also reviewed:

[REDACTED]

[REDACTED]

The investigator and supervisor reviewed the Genetec and BWC footage, and verified that there was no handheld evidence associated with this incident.

Staff/PIC injuries:

Injury and Inmate Report, 3458FY23 noted on March 29, 2023, at 1830 hours, PIC [REDACTED] was produced for prompt medical attention and on exam-0.5 cm superficial linear wound above left upper eye lid. Treatment: pain meds, x rays am of left wrist wound to left upper eyelid. steri strips, and tetanus shot.

NYC Health + Hospitals Report, on March 29, 2023, at 1721 hours, Officer [REDACTED] was seen by medical staff [REDACTED] noted patient is alert and oriented x 3, no distress, head-soft tissue hematoma/redness for forehead and other abrasions. Left eye redness, eyes PERRLA, EOMI. SKIN redness and superficial abrasion to forehead and left hand, no active bleeding, NO deformity, Sensory and motor intact. Moving all extremities. KNEE-bilateral soreness to palpation. Lungs clear bilateral, heart-regular rhythm, Abd-soft non tender. Assessment: Multiple contusions to head, forehead, and face. Other soft tissue injuries to right hand. Plan: ice packs.

Accuracy of UOF classification:

The incident was correctly classified as a "A" UOF due to PIC injuries and staff injuries.

Brief Summary of PIC statements:

On March 29, 2023, PIC [REDACTED] refused to provide a statement to the facility.

On May 3, 2023, at approximately 1427 hours SI [REDACTED] and COI [REDACTED] interviewed PIC [REDACTED] inside cell #4 of the GRVC 11A yard area. PIC [REDACTED] stated that during the incident, the officer "came at him in a threatening manner" and he felt he needed to defend himself. The PIC stated that when he was down on the ground, the same officer punched him in his left eyelid. He stated that he was seen by medical for injury in his left eyelid but the injury had now healed. At the time of the interview, PIC [REDACTED] bore no visible sign of injury to his left eyelid area.

Staff Reports:

All staff reports were reviewed and were generally consistent with each other.

Facility Rapid Review:

The Rapid Review conducted by Captain [REDACTED] noted the incident was avoidable and further noted that Officer [REDACTED] was made the subject of a Command Discipline for opening the "B" gate and allowing an unauthorized PIC to enter the vestibule while the "A" door was opened. Officer [REDACTED] was made the subject of a Command Discipline for unsecured cells.

Conclusion:

Based on the evidence as cited above, this incident meets the criteria for a Full ID Investigation due to PIC [REDACTED] sustaining an "A" injury to his left upper eyelid and the PIC's allegation of head strikes.

## CMS Preliminary Reviews Report for May 2023 (UOF 1607/23)

Investigator's Justification for Determination: UOF 1607/23

AMKC

## Brief Incident Summary

On March 30, 2023 at approximately 0239 hours in AMKC Quad 14 Upper housing area, PIC [REDACTED] exited his cell and was talking with PIC [REDACTED] when PIC [REDACTED] grabbed PIC [REDACTED] by the shirt and shoved him into the cell. PICs [REDACTED] all entered the cell and upon exiting PIC [REDACTED] exited after them. PIC [REDACTED] was picked up by his belt and slammed on the floor he was then kicked, punched, stomped on multiple times to his body and head on the tier and in his cell by PICs [REDACTED]. Officer [REDACTED] entered Quad Upper 14 and proceeded to enter the tier with her chemical agent unholstered and utilized one application in a downward swipe that did not make contact, but the PICs dispersed. Officer [REDACTED] instructed PIC [REDACTED] to exit which he refused. Officer [REDACTED] grabbed PIC [REDACTED] shoulder and pushed/pulled him towards the gate, which he resisted pulling away and walked back to his cell ([REDACTED]). PIC [REDACTED] repeatedly tried to open his cell and was unable to. Captain [REDACTED] Captain [REDACTED] and Captain [REDACTED] entered the tier and spoke to PIC [REDACTED] who refused to exit and became animated advancing towards the back of the tier when Officer [REDACTED] stepped in front of him with her arms extended blocking his movement. At approximately 0247 hours the Probe team entered the tier and approached PIC [REDACTED] as other staff exited the area ([REDACTED]). Officer [REDACTED] spoke to PIC [REDACTED] who turned away and remained by his cell at which time Officers [REDACTED] and [REDACTED] grabbed PIC [REDACTED]'s wrists when PIC [REDACTED] held onto the handle of the cell and pulled his hands away actively resisting and twisting his body. Officers [REDACTED] and [REDACTED] each attempted to pull PIC [REDACTED] hands away from the cell. Officer [REDACTED] utilized one application of chemical agent to PIC [REDACTED] facial area that did not take its desired effect ([REDACTED]). Officer [REDACTED] was applying restraints as PIC [REDACTED] refused to let go of the handle, Officer [REDACTED] grabbed and pulled repeatedly PIC [REDACTED] arm until it released the handle, and he was completely flex cuffed ([REDACTED]). Officer [REDACTED] was holding the restraints wrist area when he pulled and PIC [REDACTED] turned and went down to the floor and remained on the floor until he was assisted to his feet, escorted out of Quad Upper 14 and down the stairs where he was secured in a restraint chair ([REDACTED]).

## Video Surveillance Review

The following camera angles for AMKC Quad 14 Upper housing area were reviewed for March 30, 2023 between the hours of 0215 and 0322. Camera angles: [REDACTED]

BWC [REDACTED]

[REDACTED]

Genetec, Handheld and BWC Surveillance Footage depict the incident as stated above

-On [REDACTED] at 04:32 of elapsed time one captain is heard saying we need to stop with these motherfuckers that are giving us issues in our housing areas (the camera was quickly turned off).

Staff/PIC Injuries, Accuracy of classification

According to Injury # 6713/FY23, on March 30, 2023, at 1000 hours, PIC [REDACTED] was afforded delayed medical attention in which medical noted: Inmate fight patient denies any injury. There were no visible injuries.

According to Injury # 56712/FY23, on March 30, 2023, at 0910 hours, PIC [REDACTED] was afforded delayed medical attention in which medical noted: denies any complaints, no sign of injury. There were no visible injuries.

According to Injury # 6708/FY23, on March 30, 2023, at 0400 hours, PIC [REDACTED] was afforded prompt medical attention which he refused. Medical noted patient was presented in a wheelchair, after altercation reported that he was assaulted by multiple PICs. Exam: No acute distress, nasal bleeding right frontal and left temporal swelling. Refused medical examination with medical and Doctor [REDACTED] Case discussed with Dr. [REDACTED] (urgi care) EMS run recommended. It was noted post-concussive syndrome or head injury requiring imaging such as CT or MRI. There were visible injuries.

According to Injury # 6715/FY23, on March 30, 2023, at 1015 hours, PIC [REDACTED] was afforded delayed medical attention which he refused. Medical noted denies injury, refusing medical. There were no visible injuries.

According to Injury # 6711/FY23, on March 30, 2023, at 0910 hours, PIC [REDACTED] was afforded delayed medical attention which he refused. Medical noted denies injury. There were no visible injuries.

According to Injury # 6714/FY23, on March 30, 2023, at 0950 hours, PIC [REDACTED] was afforded delayed medical attention which he refused. Medical noted patient refused and no visible injuries. There were no visible injuries.

According to Injury # 6710/FY23, on March 30, 2023, at 0622 hours, PIC [REDACTED] was afforded prompt medical attention which he refused. There were no visible injuries.

According to Injury # 6716/FY23, on March 30, 2023, at 1010 hours, PIC [REDACTED] was afforded delayed medical attention in which medical noted: right wrist swollen, tender, movement reduced. Treatment: x-ray, pain killer. There were visible injuries.

This incident is incorrectly classified as a "B". The correct classification is a "C" as PICs [REDACTED] and [REDACTED] were involved in a fight and the injuries sustained were due to that fight and staff actions.

A request was sent to the chief's office requesting this incident be reclassified

Brief summary of PIC(s) and Staff Statement(s)

PICs [REDACTED] refused to provide a statement to the facility.

On April 6, 2023 at approximately 0839 hours Investigator [REDACTED] and Correction Officer Investigator [REDACTED] interviewed PIC [REDACTED] in AMKC Q d Upper 4 cell # 24 area. PIC [REDACTED] stated, he spoke to PREA. PIC [REDACTED] then nodded in a no motion stating, "not necessarily when asked if he would like to speak about the UOF, and he laid back down on his bed and requested that his cell door be closed.

Available staff reports were consistent with what was observed on video footage.

#### Facility Rapid Review:

The facility rapid review determined that this incident was avoidable and identified the following violations: Officer [REDACTED] will be made the subject of a Corrective Interview being off post (MOS should have returned straight back to post after escorting PIC to clinic). The facility will be making Captain [REDACTED] the subject of a Command Discipline for instructing Officer [REDACTED] to leave her post. The Command Discipline was created 04/18/23 under Department CD Log #: 1443/23 and Command CD Log #: AMKC412/23. The facility will also be making Officer [REDACTED] the subject of 5003B counseling for failure to capture the incident on handheld.

The Investigation Division has generated a facility referral requesting that the facility impart all discipline as per the rapid review and generate the corrective interview and 5003B counseling documentation and forward to the Investigation Division.

Final note: Officer [REDACTED] has a CD listed in CMS under U1607/23, however this CD is for U1612/23.

#### Conclusion

The Investigation Division determined that the force utilized was avoidable, but became necessary, proportionate, and in accordance with the Use of Force Directive 5006R-D and Chemical Agents Directive 4510R-H, to stop a PIC fight, gain compliance and avoid injury.

Based on the evidence as cited above, it is recommended that this case be closed with a Facility referral.

CMS Preliminary Reviews Report for May 2023 (UOF 1910/23)

Investigator's Justification for Determination: UOF: U1910/23

Facility: AMKC

**Brief Incident Summary:**

On April 14, 2023, at approximately 1625 hours, in BHPW 19 North corridor area, PIC [REDACTED] was screaming at staff, Officer [REDACTED] was in a verbal exchange was antagonizing the PIC [REDACTED] Medical staff [REDACTED] wrapped his arms around PIC [REDACTED] upper chest area and a struggle ensued. PIC [REDACTED] was taken to the floor, Officer [REDACTED] grabbed and held PIC [REDACTED] legs as restraints were applied. Officer [REDACTED] had both of his hands on PIC [REDACTED] arms and chest when PIC [REDACTED] stated your going to lose your job. Officer [REDACTED] placed his hand on PIC [REDACTED] neck, and you hear him choking at 2:20 of elapsed time of [REDACTED]. PIC alleged on camera that Officer [REDACTED] punched him in his face. On BWC [REDACTED] at 00:08 of elapsed time you observe Officer [REDACTED] move his hand from PIC [REDACTED] back and you hear a smacking sound (cannot confirm if there was a smack or punch).

As a result, this case is being referred for further investigation for choking of the PIC and the allegation that he was punched in the face. PIC interview necessary.

**Video Review:**

Handheld camera footage

BWC: [REDACTED]

Genetec Angles: [REDACTED] were reviewed.

**Body Camera**

The body-worn camera depicted Officer [REDACTED] antagonizing PIC [REDACTED] and after a struggle he is observed placing his hand on PIC [REDACTED] neck and applying pressure.

Inmate Statements, Staff Reports, Injury to Inmate Report, TC Logbook page

A review of CMS revealed the required CMS attachments including the inmate statements, staff reports, Injury to Inmate Report, and the TC Logbook page were uploaded by the facility. Inmate [REDACTED] refused to provide a statement to the facility and according to the Injury to Inmate Report, the PIC was seen by medical, and no injuries were observed.

**Recommendation:**

Based on the evidence, this case meets the criteria for further investigation due to the choking of the PIC. It is recommended that this case be referred for further investigation.

\*This incident was reviewed and sent for Immediate Action. Officer [REDACTED] was suspended on April, 20, 2023 at 2003 hours.





PIC [REDACTED] and [REDACTED] are listed in the COD and the facility did not generate incident photographs for them.

#### Video Evidence

The following video evidence was reviewed from April 22, 2023, 0600 hours to 0715 hours and depicted the incident as narrated above.

#### GRVC 10A:

Angles: [REDACTED]  
[REDACTED]

#### GRVC Corridor

Angles: [REDACTED]  
[REDACTED]

#### GRVC Main Intake:

Angles: [REDACTED]

#### GRVC Clinic

Angles [REDACTED]

#### Handheld Video:

[REDACTED]  
[REDACTED]

A Handheld Recorder was observed on Genetec Video being utilized by a member of Probe team staff Officer [REDACTED]. However, this handheld video was unable to be located with the facility handheld files. An email was generated requesting this file.

#### BWC:

[REDACTED] [REDACTED]  
[REDACTED] [REDACTED]  
[REDACTED] [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

#### Staff/PIC injuries



Injury to Inmate Report (FY23/3472) noted on April 22, 2023, at approximately 0815 hours, PIC [REDACTED] was produced for prompt medical attention, sustained multiple contusions and bumps to the body, left hand and foot swelling. Was treated with ace wrap to left hand, sling, and ice pack. PIC [REDACTED] was transferred to Bellevue hospital and as per medical he sustained a lumber spine fracture, left pinky finger fracture, right foot fracture, nasal fracture, and post-concussive syndrome.

Injury to Inmate Report (FY23/3483) noted on April 22, 2023, at approximately 1220 hours, PIC [REDACTED] was produced for delayed medical attention, had no visible injuries, and refused medical attention.

Injury to Inmate Report (FY23/3476) noted on April 22, 2023, at approximately 1115 hours, PIC [REDACTED] was produced for prompt medical attention, had no visible injuries, and refused medical attention.

Injury to Inmate Report (FY23/3487) noted on April 22, 2023, at approximately 1240 hours, PIC [REDACTED] was produced for delayed medical attention, had no visible injuries, and refused medical attention.

Injury to Inmate Report (FY23/3488) noted on April 22, 2023, at approximately 1204 hours, PIC [REDACTED] was produced for delayed medical attention, had no visible injuries, and refused medical attention.

Injury to Inmate Report (FY23/3485) noted on April 22, 2023, at approximately 1300 hours, [REDACTED] was produced for delayed medical attention, had no visible injuries, and refused medical attention.

Injury to Inmate Report (FY23/3489) noted on April 22, 2023, at approximately 1202 hours, PIC [REDACTED] was produced for delayed medical attention, had no visible injuries, and refused medical attention.

Injury to Inmate Report (FY23/3491) noted on April 22, 2023, at approximately 1156 hours, PIC [REDACTED] was produced for delayed medical attention, had no visible injuries, and refused medical attention.

Injury to Inmate Report (FY23/3490) noted on April 22, 2023, at approximately 1200 hours, PIC [REDACTED] was produced for delayed medical attention, had no visible injuries, and refused medical attention.

Injury to Inmate Report (FY23/3491) noted on April 22, 2023, at approximately 1158 hours, PIC [REDACTED] was produced for delayed medical attention, had no visible injuries, and refused medical attention.

Injury to Inmate Report (FY23/3513) noted on April 22, 2023, at approximately 1450 hours, PIC [REDACTED] was produced for delayed medical attention, had no visible injuries, and refused medical attention.

Injury to Inmate Report (FY23/3474) noted on April 22, 2023, at approximately 0950 hours, PIC [REDACTED] was produced for prompt medical attention, had no visible injuries, and refused medical attention.

Injury to Inmate Report (FY23/3501) noted on April 23, 2023, at approximately 1100 hours, PIC [REDACTED] was produced for delayed medical attention, had no visible injuries, and refused medical attention.

Injury to Inmate Report (FY23/3516) noted on April 24, 2023, at approximately 1510 hours, PIC [REDACTED] was produced for delayed medical attention, had no visible injuries, and refused medical attention.

Injury to Inmate Report (FY23/3517) noted on April 24, 2023, at approximately 1535 hours, PIC [REDACTED] was produced for delayed medical attention, had no visible injuries, and refused medical attention.

Injury to Inmate Report (FY23/3518) noted on April 24, 2023, at approximately 1521 hours, PIC [REDACTED] was produced for delayed medical attention, had no visible injuries, and refused medical attention.

Injury to Inmate Report (FY23/3548) noted on April 25, 2023, at approximately 1535 hours, PIC [REDACTED] was produced for delayed medical attention, had no visible injuries, and refused medical attention.

Injury to Inmate Report (FY23/3515) noted on April 24, 2023, at approximately 1455 hours, PIC [REDACTED] was produced for prompt medical attention, had no visible injuries, and refused medical attention.

Injury to Inmate Report (FY23/3512) noted on April 24, 2023, at approximately 1435 hours, PIC [REDACTED] was produced for delayed medical attention, had no visible injuries, and refused medical attention.

Injury to Inmate Report (FY23/3514) noted on April 24, 2023, at approximately 1448 hours, PIC [REDACTED] was produced for delayed medical attention, had no visible injuries, and refused medical attention.

Various PICs during incident were seen more than four (4) hours after the Use of Force incident and produced for delayed medical due to multiple PICs being involved in this incident.

There were no reported staff injuries by COD or the facility.

#### Accuracy of UOF Classification:

No injuries to staff were reported for this incident. However, PIC [REDACTED] sustained multiple contusions and bumps to the body, left hand and foot swelling. PIC [REDACTED] transferred to Bellevue hospital and as per medical he sustained a lumber spine fracture, left pinky finger fracture, right foot fracture, nasal fracture, and post-concussive syndrome. Therefore, this incident is accurately classified as an "A" Use of Force. The accuracy of this classification will be assessed during further investigation.

#### PIC statements:

On April 24, 2023, Investigators [REDACTED] and [REDACTED] at approximately 1251 hours in BHPW 15 East Room #26 interviewed PIC [REDACTED]. PIC [REDACTED] provided a statement on BWC that in sum and substance detailed the following: PIC [REDACTED] was transferred from multiple facilities until he ended up in the GRVC Main Intake. PIC [REDACTED] was there inside of 9 pen for 7 hours. During this time staff threatened him and told him if he continued to act up that they would put him in a housing area with his opposition. PIC [REDACTED] alleged that they dragged him and used force to bring him to GRVC housing area 10A 15 cell and once they got into the cell staff started to beat him up, banged his head, and threw him on top of the bedframe. While in the cell he didn't eat for two days, and he started flooding the housing area and a female Correction officer told him that he was going to get set up. Two days later a Captain told the PICs in the area that she was about to let him out of his cell. When he was let out of cell, he fought multiple PICs and they struck him with a pan, a cane, and various objects until he made his way to the housing area gate. He was escorted to intake, held in a cell for several hours bleeding and was denied medical.

PIC [REDACTED] agreed to sign HIPAA. The Allegations made by PIC [REDACTED] will be addressed during further investigation.

#### Staff Reports:

Staff reports were reviewed and were not consistent with the video evidence. Captain [REDACTED] depicted in her Use of Force report that she utilized chemical agents towards multiple PICs that were assaulting PIC [REDACTED]. However, a review of Genetec Video did not capture Captain [REDACTED] utilizing her chemical agent during this incident. Officer [REDACTED] submitted a Use of Force Witness report that in sum and substance detailed his actions in escorting PIC [REDACTED] out of the area during this incident. However, his report failed to accurately describe the incident and did not include that he responded to the area with Captain [REDACTED] and her actions during the incident. These discrepancies will be addressed during further investigation.

#### Unavoidable/Avoidable and Facility Rapid Review:

The Rapid Review conducted by Warden [REDACTED] determined that this incident was unavoidable and procedural errors were identified. Officer [REDACTED] is a newly assigned officer. Officer [REDACTED] will be shown the video of the incident to address all the deficiencies in the area. The cell door / pantry door / janitor's closet were unsecured and the officer should have turned on her BWC. In Addition, chemical agents were utilized a total of 4x however the PIC(s) would not stop their aggression. Captain [REDACTED] will be suspended for failure to supervise. The captain was observed in the area failing to supervise and lacked a sense of urgency to remove the victim out of the area. Captain [REDACTED] was made subject of a (14) fourteen-day suspension on May 3, 2023.

#### Conclusion:

Based on the evidence cited above, it is recommended that this case be referred for further investigation. PIC [REDACTED] alleged that Captain [REDACTED] set him up and allowed the PICs in housing area 10A to assault him. It was observed on Genetec Video that PIC [REDACTED] cell door kept opening, despite PIC [REDACTED] repeatedly pulling the door in attempts to keep it closed. PIC [REDACTED] cell door being opened gave several PICs in the area the ability to assault him. In addition, PIC [REDACTED] alleged that the day he arrived in GRVC, he was dragged by staff to GRVC Housing area 10A, dragged to cell #15, and staff banged his head on the metal bed frame.

CMS Preliminary Reviews Report for May 2023 (UOF 2110/23)

Investigator's Justification for Determination: Investigative Report

UOF #: 2110/23

Facility: RNDC

### Synopsis

On April 25, 2023, at approximately 1735 hours, in RNDC, Officers [REDACTED] escorted PIC [REDACTED] and [REDACTED] from recreation, towards Housing Area 5 Main [REDACTED]. PIC [REDACTED] walked behind PIC [REDACTED]. PIC [REDACTED] grabbed PIC [REDACTED] upper body from behind and performed three (3) swiping motions with his right hand ([REDACTED]). PICs [REDACTED] and [REDACTED] engaged in a fight and chased one another through the corridor. Officer [REDACTED] grabbed PIC [REDACTED] by the shoulders, pushed him back and attempted to prevent him from further advancing towards PIC [REDACTED]. PIC [REDACTED] pushed Officer [REDACTED] from him and ran down the corridor.

Officer [REDACTED] grabbed PIC [REDACTED] by the waist from behind, pulled him close and attempted to stop him from further advancing towards PIC [REDACTED]. PIC [REDACTED] grabbed and pushed Officer [REDACTED] arms from around his waist and continued to advance towards PIC [REDACTED].

Officer [REDACTED] wrapped his arms around PIC [REDACTED] waist, pulled him away from PIC [REDACTED] and secured him against a window ([REDACTED]). PIC [REDACTED] twisted and pulled his body away from Officer [REDACTED] and away from the window [REDACTED]. Officer [REDACTED] pulled PIC [REDACTED] off the window and secured him against a nearby wall. Together, Officer [REDACTED] and [REDACTED] rear-cuffed PIC [REDACTED]. Officer [REDACTED] transferred custody of PIC [REDACTED] to Officers [REDACTED] and [REDACTED]. Officers [REDACTED] and [REDACTED] escorted PIC [REDACTED] through the corridor, toward the Intake. PIC [REDACTED] was irate. PIC [REDACTED] pulled escorting staff forward, yelled and refused to comply with Captain [REDACTED] orders to stop ([REDACTED]). Officers [REDACTED] and [REDACTED] secured PIC [REDACTED] onto the wall ([REDACTED]).

Officers [REDACTED] and [REDACTED] escorted PIC [REDACTED] into Intake. Officer [REDACTED] escorted PIC [REDACTED] into the Intake search room, where a piece of sharpened metal was recovered, terminating the incident [REDACTED].

### Photographic Evidence

The facility provided two (2) profile photos of PIC [REDACTED] depicting his right profile. PIC [REDACTED] was observed with a laceration to his right cheek with active bleeding.

The facility provided one (1) refusal photo of PIC [REDACTED].

The facility provided one (1) Discovery of Contraband Synopsis dated April 25, 2023, depicting an image of a 1-inch sharpened piece of metal that was found in PIC [REDACTED] waistband.

### Video evidence

The following video evidence was reviewed from 1700-1900 hours on April 25, 2023, and depicted the incident as narrated above.

RNDC yard angles [REDACTED]

Of note, Officers [REDACTED] were observed escorting PICs [REDACTED] and several other identified PICs out of Housing Area 5 Lower North, through the corridor and into the recreation area without first conducting a search of the escorted parties ([REDACTED]). Officer [REDACTED] was observed escorting PICs [REDACTED] and several other identified PICs out of RNDC, into the yard and then from the yard, back into RNDC without first conducting a search of the escorted parties ([REDACTED]).

Body Worn Camera: [REDACTED]

The investigator and supervisor verified that this Use of Force was not captured on handheld.

#### Staff/PIC Injuries

According to Injury to Inmate Report #3764/FY23, PIC [REDACTED] refused medical attention and did not sustain any visible injuries. PIC [REDACTED] was afforded prompt medical attention.

According to Injury to Inmate Report #3763/FY23, PIC [REDACTED] presented with an actively bleeding wound on his right upper cheek. PIC [REDACTED] was referred to UrgiCare. PIC [REDACTED] received prompt medical attention.

As per the Central Operations Desk (COD), there were no reported staff injuries.

#### Accuracy of UOF Classification

This incident was correctly classified as a "B" use of force due to Officer [REDACTED] sustaining a sprained shoulder.

#### A Brief Summary of PIC Statements

On April 25, 2023, PIC [REDACTED] stated to the facility, "I got it on with five (5) niggas."

PIC [REDACTED] refused to provide a statement to the facility or to medical staff.

The Investigation Division determined that interviews with PICs [REDACTED] and [REDACTED] were unnecessary based on the totality of the incident being captured via video evidence, the consistency of the submitted reports, the absence of PIC injury caused by staff intervention, and the lack of PIC allegations made to medical staff or to the facility against DOC staff.

#### Staff Reports

Staff reports were submitted for each member of service present during the Use of Force, and all submitted statements were consistent with the available video evidence.

#### Facility Rapid Review

Deputy Warden [REDACTED] conducted the Rapid Review related to this incident. The incident was deemed avoidable due to improper escort. No unnecessary painful escort techniques were identified. Captain [REDACTED] was identified for failing to supervise that PICs were being properly escorted out of recreation; therefore, she was to be made the subject of a Memorandum of Complaint. Officers [REDACTED] were also identified for failing to properly escort PICs from recreation and were each made the subject of a Memorandum of Complaint. Officer [REDACTED] was identified as failing to ensure that all PICs cleared the magnetometer and she was to be made the subject of a Memorandum of Complaint. No other procedural violations or corrective actions were noted.

The facility generated a thirty (30) day suspension for Captain [REDACTED] effective April 28, 2023. The facility generated a thirty (30) day suspension for Officers [REDACTED] effective April 27, 2023. The accompanying MOCs were generated under numbers 0702/23, 0703/23, 0704/23 0705/23, 0706/23, 0707/23 and 0718/23.

The Investigation Division concurs with the Rapid Review's determination.

#### Conclusion

The Investigation Division concluded that the force utilized by staff was avoidable due to improper escorting and due to escorting staff failing to ensure that all PICs entered the magnetometer prior to re-entry. The Investigation Division also concluded that the force utilized by staff was necessary and proportionate per the continuum of force outlined within 5006R-D, which allows for staff to utilize force when lesser means have proven ineffective, to stop an assault, and to prevent grave bodily harm and serious physical injury to staff and surrounding persons.

Officers [REDACTED] appropriately grabbed PICs [REDACTED] and [REDACTED] by their waists and torsos to prevent them from advancing toward one another and to cease their active combative behavior. Officers [REDACTED] appropriately secured PIC [REDACTED] against facility walls until he was able to calm down to prevent further disruptive behavior and diminish the possible risk of injury to PIC while being escorted.

The Investigation Division concurs with the discipline generated by the facility to address the involved staff's violations and it is recommended that this case be closed with no further investigative action.

CMS Preliminary Reviews Report for May 2023 (UOF 2239/23)

Investigator's Justification for Determination: UOF #: 2239/23

Facility: GRVC

#### Synopsis

On May 3, 2023, at approximately 0724 hours, within the confines of George R. Vierno Center (GRVC) ESH Intake; During Court production, Officer [REDACTED] proceeded to secure Person in Custody (PIC) [REDACTED] hands behind his back and applying mechanical restraint onto his wrist. PIC [REDACTED] turned around and his elbow struck Officer [REDACTED] to her head/facial area. Officer [REDACTED] immediately extended her hand in a C shape and grabbed the PIC's neck. Simultaneously, Officer [REDACTED] and [REDACTED] intervened and grabbed and guided PIC [REDACTED] away from Officer [REDACTED]. Officer [REDACTED] followed behind and struck PIC [REDACTED] in the rear of his head. Instantaneously, an officer quickly grabbed Officer [REDACTED] while Officer [REDACTED] escorted and secured the PIC inside a cell, thus terminating the incident.

#### Photographic Evidence

On May 3, 2023, Captain [REDACTED] took one (1) profile photograph of PIC [REDACTED] marked as refusal.

On May 3, 2023, Captain [REDACTED] took one (1) profile photograph of Officer [REDACTED] left facial area, marked as "other injury".

#### Video evidence:

Genetec video surveillance angles [REDACTED] were reviewed for May 3, 2023, from 0720 to 0730 hours, in GRVC, Intake area. Video footage depicted the incident as narrated above.

There was no handheld or Body-worn footage associated with this incident.

GRVC: ESH Intake

Angles: [REDACTED]

#### Staff/PIC injuries

Injury report #1094/FY23 indicated that on May 03, 2023, at 0820 hours, PIC [REDACTED] was afforded prompt medical attention. The individual refused medical evaluation and denied injuries. No visible injuries were noted.

There were no reported staff injuries by COD or the facility. Officer [REDACTED] indicated on her report that she sustained injuries to her right arm, facial area, and eye.

#### Accuracy of UOF classification:

According to the Central Operation Desk (COD), No staff or PIC injuries were sustained or reported. Therefore, this incident is correctly classified as a "C" UOF as outlined in Directive 5006R-D.

A brief summary of PIC statements.

On May 3, 2023, PIC [REDACTED] refused to provide a written or verbal statement to the facility or medical staff.

The Investigation Division determined that an interview with the individual was unnecessary due to the consistency of staff reports and the incident being captured entirely on video evidence.

#### Staff reports

Staff reports were generally consistent with what was observed in the video footage.

On the contrary, Officer [REDACTED] submitted Use of Force Report was inconsistent with her actions, as viewed on the Genetec video. The officer noted that she utilized an open-hand push to the PIC's upper body area. At which time, her hand inadvertently slipped into the individual's neck area. Officer [REDACTED] also indicated that, while staff attempted to secure the individual, her left hand was entangling with the officer. In addition, fearing her safety from being attacked again, she utilized her right hand by swinging it in the direction of the PIC to create distance from the PIC.

\*ID determined that Officer [REDACTED] submitted a report which was false and inaccurate; Genetec footage corroborated the officer's action of grabbing PIC [REDACTED] neck/throat area and deliberately striking the individual to his head. In addition, it was observed via footage that Officer [REDACTED] attempted to escort and secure the individual away from Officer [REDACTED]. Officer [REDACTED] continued to advance toward the PIC, which caused Officers [REDACTED] and [REDACTED] to intervene; simultaneously by pulling and guiding Officer [REDACTED] away from PIC [REDACTED].

#### Facility Rapid Review:

The Rapid Review conducted by Acting Warden [REDACTED] noted that the incident was unavoidable. However, Officer [REDACTED] failed to remain professional during the incident. It was further noted that the officer had her hand briefly around the PIC's neck.

#### Conclusion:

Based on the evidence cited above, this incident will be referred for further investigation (blow to the head).

On May 9, 2023, Officer [REDACTED] was suspended from duty.



CMS Preliminary Reviews Report for July 2023 (1463/23)

Investigator's Justification for Determination: UOF #: 1463/23

Facility: BXCT

#### Synopsis

On March 22, 2023, at approximately 0815 hours in the BXCT, intake corridor, PIC [REDACTED] refused to be secured in the Holding Pen after multiple orders were given. The PIC stated, "I'm not sitting in a pen". Officer [REDACTED] instructed the PIC to come downstairs at which time the PIC stated "What are you threatening niggas for? We are going to fight". The PIC stepped forward at which time Officer [REDACTED] stepped in front of PIC [REDACTED] and momentarily placed his right hand on the PIC's neck area [REDACTED]. PIC [REDACTED] then immediately stated "he just choked me on camera as Captain [REDACTED] guided the PIC away and walked him over to the pen where PIC [REDACTED] was secured without further incident.

#### Photographic Evidence

The facility provided one photograph of PIC [REDACTED] depicting a front profile.

#### Video evidence:

Body cameras [REDACTED] (BWC) were reviewed on March 22, 2023, which were consistent with the narration above.

#### Staff/PIC injuries

Injury to Inmate Report FY23/1274 noted that PIC [REDACTED] was provided with delayed medical attention (9 hours 15 min). The medical staff noted that the PIC refused to be seen and stated that he does not have any injuries. There were no visible injuries noted and no treatment was provided.

There were no reported staff injuries.

#### Accuracy of UOF classification:

The Use of Force was correctly classified as a "C" due to no staff or PIC injuries.

#### A brief summary of PIC statements.

PIC [REDACTED] refused to provide the facility or medical staff with a statement.

It was determined that ID interviews were unnecessary due to the incident being captured in its entirety on video evidence.

PIC [REDACTED] stated on BWC that staff choked him on camera. A review of the available video evidence depicted Officer [REDACTED] making contact with the PIC's neck area, under his jaw. Officer [REDACTED] was subjected to disciplinary action (Level "E" Command Discipline) as a result of the force utilized.

#### Staff reports

Available staff reports and addendums were generally consistent with what was observed on the video evidence and with each other. The following issues were noted:

Officer [REDACTED] will be subjected to a Corrective Interview and retraining on use of force writing due to the officer failing to specify the force utilized to the PIC's neck. Officer [REDACTED] noted that force was utilized to the PIC's chest and chin area to create distance.

Officer [REDACTED] will be subjected to a Corrective Interview and retraining for the use of generalized terminology to describe the force witnessed.

Officers [REDACTED] will be subjected to a Corrective Interview and retraining for report writing due to the failure to note the force utilized by Officer [REDACTED] to the PIC's neck area.

Captain [REDACTED] submitted a 600AR amending his report which indicated Officer [REDACTED] utilized a hold of the PIC's chin. Captain [REDACTED] viewed the incident footage and noted that the hold by Officer [REDACTED] was to PIC [REDACTED] neck with his thumb below the jawline.

A facility referral will be generated to address missing reports from Officers [REDACTED]

#### Facility Rapid Review:

The Rapid Review conducted by ADW [REDACTED] noted the incident was avoidable due to Officer [REDACTED] advancing toward the PIC and making contact. Disciplinary action will be generated to a level "E". Officer [REDACTED] will be subjected to a Command Discipline, retraining, and 5003 Counseling.

As noted in the Command Discipline Directive, 4257 R-B, penalties for violations specified in schedules A-E shall be imposed as follows for members who have not been found guilty of a violation at any Command Discipline or Formal Disciplinary proceeding during the previous 12 months. This penalty served a loss of 5-10 vacation or compensatory days.

A review of CMS revealed negative findings for a Memorandum of Complaint or Command Discipline issued to Officer [REDACTED] within 12 months of this incident.

A review of CMS revealed that Officer [REDACTED] was subject to a Command Discipline (Department Log # 1147/23). The CD noted that Officer [REDACTED] shortened the distance between himself and the Involved PIC and then utilized his right hand to grasp the PIC's neck under the jaw. Therefore, Officer [REDACTED] was in violation of the Departmental Rules and Regulations by using unnecessary and prohibited force. Officer [REDACTED] was charged with violations of the Use of Force Directive 5006 R-D, Department for failure to perform his duties in such a way as to gain the respect and willing disobedience of a PIC while failing to further a high moral and maximum efficiency of a uniformed officer, and conduct unbecoming of an officer.

#### Conclusion:

This investigation determined that the force utilized was necessary to gain compliance of the involved PIC where lesser means such as IPC skills were ineffective and there was an immediate need for

compliance. The force utilized by Officer [REDACTED] was not proportional to the resistance posed by the PIC. It should be noted that Officer [REDACTED] stepped forward as the incident escalated, closing the distance between himself and the PIC. Furthermore, Officer [REDACTED] utilized prohibited force in the form of a neck restraint. As such, Officer [REDACTED] was subjected to a level "E" Command Discipline for unnecessary and prohibited force, and violations to the Departmental Rules and Regulations. Furthermore, Officers [REDACTED] will be referred for a Corrective Interview and retraining on use of force report writing for the failure to accurately describe the force utilized or witnessed.

Based on the evidence cited above, it is recommended that this case be closed with a facility referral to address the delay in medical attention, missing BWC footage, and a missing witness report.

## CMS Preliminary Reviews Report for July 2023 (2698/23)

## Investigator's Justification for Determination: Synopsis

On May 26, 2023, at approximately 1838 hours, in the RMSC Mental Health Clinic PIC [REDACTED] was irate as she refused to be secured and removed out of the mental health clinic. Captain [REDACTED] attempted to utilize IPC Skills as she tried to gain compliance from the PIC yet the PIC refused to comply to be escorted out of the area. PIC [REDACTED] then walked away to the front of the mental health clinic waiting area then sat down, Officer [REDACTED] then guided PIC [REDACTED] to her feet from the bench [REDACTED] PIC [REDACTED] then became irate and screamed "I'm not nothing to play with, I'm not playing with nobody in here" then aggressively pushed the computer off of the desk towards staff [REDACTED] Officer [REDACTED] then grabbed PIC [REDACTED] by the arm and pushed her against the desk then secured her arms in restraints [REDACTED]. Officer [REDACTED] then escorted the PIC out of the area through the corridor as they approached West Gate the PIC refused to be further escorted by Officer [REDACTED]. Officer [REDACTED] then utilized a pain compliance hold and lifted the PICs arms while cuffed to the rear before pushing the PIC towards the door. PIC [REDACTED] head made contact with the door [REDACTED] before she was pushed towards the ground. Officer [REDACTED] assisted with grabbing the PICs right hand guiding the PIC to the floor [REDACTED] PIC [REDACTED] was then lifted to her feet, escorted to the intake and secured in a holding pen, terminating the incident [REDACTED]

## Photographic Evidence

The facility provided one (1) photo of PIC [REDACTED] PIC [REDACTED] refused to be photographed.

PIC [REDACTED] could not be interviewed as the PIC is no longer in DOC custody.

## Video Evidence

The following video evidence was reviewed from 1820 hours to 1920 hours of the incident on May 23, 2023, and it depicted the incident as narrated above.

The Genetec surveillance from the following angles/location we reviewed and requested:

[REDACTED]

RMSC Mental Health Clinic; West Corridor

BWC

[REDACTED]

A staff member was observed stating "look at this shit" [REDACTED] Captain [REDACTED] was observed antagonizing PIC [REDACTED] as she stated, "do it again, do it again". PIC [REDACTED] was observed screaming "your breaking my arm" staff continued to state nobody is hurting you yet the PIC continued to scream as she refused to comply with escort procedures [REDACTED]

[REDACTED]

#### Handheld

The investigator and supervisor verified that there was no associated Handheld video for UOF 2698-23.

#### Staff/PIC Injuries

Injury to Inmate Report, FY23/ 3253 noted on May 26, 2023, at 2035 hours, PIC [REDACTED] was produced for prompt medical attention and sustained pain tenderness on left wrist, decreased range of motion due to pain and tight cuff impression on left forearm.

There were no reported staff injuries by COD or the facility.

#### Accuracy of UOF Classification

This incident was correctly classified as a "B" UOF due to the PIC sustaining sustained pain tenderness on left wrist, decreased range of motion due to pain and tight cuff impression on left forearm. It is plausible that the PIC sustained the injury to her wrist and forearm due to her physical resistance.

#### Brief Summary of PIC Statements

PIC refused to provide a statement to the facility, nor did the PIC make any statements to medical staff while being examined.

An interview attempt could not be made due to this PIC being released from DOC custody.

#### Staff Reports

All staff reports were reviewed and were mostly consistent with the video evidence and each other. However, Officer [REDACTED] failed to describe the type of force utilized in his report. Additionally, Officer [REDACTED] report was inaccurate, specifically the sequence of events which led up to the UOF in the corridor. PIC [REDACTED] stopped walking during the escort down the corridor, however, it did not appear as if the PIC pulled away from staff nor dropped to the floor. When [REDACTED] stopped walking during the escort, Officer [REDACTED] lifted her arms towards her head before pushing her towards the door in the corridor. [REDACTED] proceeded to hit her head against the door and was pushed to the ground by staff.

#### Facility Rapid Review

The Rapid Review conducted by Deputy Warden [REDACTED] this incident was unavoidable, no procedural errors and force was necessary.

#### Conclusion

Based on the evidence cited above, it is recommended that this case be upgraded to FULL ID due to the head strike and the painful escort technique. Additionally, Captain [REDACTED] was observed antagonizing PIC [REDACTED] during the incident.

CMS Preliminary Reviews Report for July 2023 (2774/23)

Investigator's Justification for Determination: UOF #: 2774/23

Facility: RNDC

Synopsis:

On May 31, 2023, at 1728 hours in RNDC housing area 4LS Persons In Custody (PICs) [REDACTED]

[REDACTED] were involved in a use of force with DOC staff.

At 1714 hours the floor officer was making tours when PIC in the housing area covered up the Genetec camera angles [REDACTED]. Security staff consisting of Officers [REDACTED] arrived at the area. Security staff began speaking with PIC in the housing area [REDACTED]. Additional staff arrived consisting of Officer [REDACTED] arrived. The PICs in the dayroom began wrapping their faces in sheets and t-shirts. Captains [REDACTED] were speaking with the PIC when Officer [REDACTED] walked around the front of them. Officer [REDACTED] and Captain [REDACTED] then utilized chemical agents toward the facial area of PIC [REDACTED]. Officer [REDACTED] then utilized his chemical agents [REDACTED]. Officer [REDACTED] then utilized the MK9 toward the entire housing area. His application of chemical agents lasted approximately 10 seconds without pause. Officer [REDACTED] then ran up to PIC [REDACTED] and pulled his legs out from underneath him causing him to fall face down [REDACTED]). PIC [REDACTED] then threw an institutional tablet making contact with Officer [REDACTED]. Officer [REDACTED] then utilized another application of chemical agents toward the same PIC. Captain [REDACTED] and Officers [REDACTED] utilized their chemical agents toward the PIC against the wall in the dayroom [REDACTED]. Officer [REDACTED] then threw multiple punches to PIC [REDACTED] head while he was on the ground [REDACTED]. Officer [REDACTED] then ran to the back of the dayroom and utilized his MK9 against the PIC in the back corner [REDACTED]). Officer [REDACTED] then pushed PIC [REDACTED] to the ground [REDACTED]. According to [REDACTED] Officer [REDACTED] was speaking in a provoking and unprofessional manner toward PIC [REDACTED]. Officer [REDACTED] was also observed utilizing strikes to [REDACTED] head area at 17:29:57. Staff began applying mechanical restraints to all PICs involved. Once they were secure, they were all assisted to their feet and escorted out of the area. [REDACTED] and [REDACTED] captured the escort. All PICs were escorted to the intake decontamination area without further incident.

Video Evidence:

Genetec angles [REDACTED] were observed from 1700 hours to 1745 hours for May 31, 2023. [REDACTED] captured the incident and the escort to the intake.

Housing Area Angles:

[REDACTED]

BWC: [REDACTED]

Escort Angles:

BWC [REDACTED]

Genetec Escort Angles:

[REDACTED]

Photographic Evidence:

The facility provided one photograph of each PIC titled "Other-refused."

Staff/PIC injuries:

There were no staff injuries reported to COD for this incident.

According to injury report FY23/4225 PIC [REDACTED] refused medical evaluation.

According to injury report FY23/4224 PIC [REDACTED] refused medical evaluation.

According to injury report FY23/4223 PIC [REDACTED] refused medical evaluation.

According to injury report FY23/4222 PIC [REDACTED] refused medical evaluation.

According to injury report FR23/4220 PIC [REDACTED] refused medical evaluation.

According to injury report FY23/4219 PIC [REDACTED] refused medical evaluation.

According to injury report FY23/4218 PIC [REDACTED] refused medical evaluation.

According to injury report FY23/4217 PIC [REDACTED] refused medical evaluation.

According to injury report FY23/4221, PIC [REDACTED] refused medical evaluation.

According to injury report FY23/4226 PIC [REDACTED] refused medical evaluation.

According to injury report FY23/4227 PIC [REDACTED] refused medical evaluation.

According to injury report FY23/4228 PIC [REDACTED] refused medical evaluation.

According to injury report FY23/4229 PIC [REDACTED] refused medical evaluation.

According to injury report FY23/4230 PIC [REDACTED] refused medical evaluation.

According to injury report FY23/4321 PIC [REDACTED] refused medical evaluation.

According to injury report FY23/4232 PIC [REDACTED] refused medical evaluation.

According to injury report FY23/4233 PIC [REDACTED] refused medical evaluation.



According to injury report FY23/4234 PIC [REDACTED] refused medical evaluation.

According to injury report FY23/4235 PIC [REDACTED] refused medical evaluation.

All involved PIC were afforded prompt medical attention as per their respective injury reports.

Accuracy of UOF classification:

This incident was properly classified as a "C" use of force as there were no injuries sustained by Staff or PIC as a result of this incident.

A brief summary of PIC statements:

All involved PIC were interviewed by COIs [REDACTED] PIC [REDACTED] stated "We had no bread, services, food, so they sprayed us. It's because we're Spanish." PIC [REDACTED] stated, "They violated for no reason." The rest of the PICs refused to provide any form of statement.

Staff reports:

Use of force reports were submitted by Officers [REDACTED]

[REDACTED] Use of force witness reports were submitted by the rest of the staff present. Officer [REDACTED] submitted a report with multiple inaccuracies. He stated that he attempted to speak with the PIC to gain compliance however, on BWC he is heard using unprofessional and provoking language. He stated that he wrapped his arms around PIC [REDACTED] upper torso to soften the blow of him landing on the floor. Video footage showed Officer [REDACTED] pulling the PIC's feet out from under him. He also noted in his report that he swung his hand wildly to fend off further attack, but he is clearly seen throwing punches straight to PIC [REDACTED]. The rest of the staff submitted reports that appear to be consistent with what can be seen on Genetec and BWC footage. There does not appear to be any evidence of collusion.

Facility Rapid Review:

The rapid review was conducted by DW [REDACTED] She noted that Officer [REDACTED] will receive a command discipline for utilizing chemical agents longer than the recommended time frame. She also noted that Officer [REDACTED] will be made subject to a suspension for utilizing an unauthorized takedown. The facility generated CD #2076/23. Officer [REDACTED] was suspended effective June 1, 2023, to June 16, 2023, without pay (Teletype Order No. HQ-01307-0).

Conclusion:

Based on the evidence cited above it is recommended that this case be referred to full ID for further investigation due to head strikes and inaccuracies in staff reports.



CMS Preliminary Reviews Report for July 2023 (2780/23)

Investigator's Justification for Determination: UOF 2780/23

Facility: GRVC

Brief Incident Summary:

On May 31, 2023, at approximately 2108 hours in the confines of GRVC Housing Area 7B, Person in Custody (PIC) [REDACTED] walked into cell #43 as PIC [REDACTED] followed behind ( [REDACTED] at 21:08:35 hours). Minutes later, PIC [REDACTED] is seen walking out of the cell and closing the door ( [REDACTED] at 21:14:36 hours). PIC [REDACTED] then walked down the tier and throws an unidentified object into cell #37 and enters his cell ( [REDACTED] at 21:14:46 hours). (Note: Officer [REDACTED] was observed off post from 2015 to 2118 with multiple unsecured cell doors left unsecured). The area supervisor Captain [REDACTED] entered the housing area and begins to tour with Officers [REDACTED] and [REDACTED] ( [REDACTED] at 21:27:04 hours). Captain [REDACTED] opened cell #43 and PIC [REDACTED] grabbed the captain's chemical agents and ran down the tier after the other PIC's [REDACTED] at 21:34:07 hours).

Captain [REDACTED] immediately advanced toward PIC [REDACTED] and attempted multiple times to retrieve his chemical agents from the PIC to no avail ( [REDACTED] at 21:34:12 hours). Captain [REDACTED] grabbed Officer [REDACTED] chemical agents and continued in his attempts to gain compliance of PIC [REDACTED]. Officer [REDACTED] observed the incident and failed to render assistance to the captain ( [REDACTED] at 21:34:20 hours). PIC [REDACTED] advanced toward one of the PICs with the chemical agents in his hand [REDACTED] at 09:34:31 hours). Captain [REDACTED] simultaneously deployed (2) two bursts of chemical agents to the facial area of PIC [REDACTED] which achieved its desired affect ( [REDACTED] at 21:34:34 hours) (Note: Captain [REDACTED] was observed deploying chemical agent less than the distance of (3) three feet). PIC [REDACTED] ceased his aggression as Captain [REDACTED] retrieved the chemical agents and escorted him out of the housing area into the vestibule ( [REDACTED] at 21:35:28 hours). PIC [REDACTED] was escorted to decontamination, medical, and secured in the intake without further incident ( [REDACTED] at 10:57:51 hours). The incident is in relation to COD # 1776, which was deemed a slashing.

Photographic Evidence:

The facility provided (1) one (front) photograph of PIC [REDACTED] depicting the laceration on the right side of his facial area.

The ID did not obtain photographs of the PIC as interviews were not deemed necessary for this incident as no PICs any allegations to the facility or to medical staff.

Video evidence:

The following video evidence was reviewed May 10, 2023, from 2100 to 2230 hours and depicted the incident as narrated above. The investigator and supervisor verified that there was no BWC, or handheld evidence associated with this incident.

Facility the location:

GRVC 7B

Genetec video surveillance: [REDACTED]  
[REDACTED]

Intake

Genetec video surveillance: [REDACTED]  
[REDACTED]

Corridor

Genetec video surveillance: [REDACTED]  
[REDACTED]

Clinic

Genetec video surveillance: [REDACTED]

Body worn Camera:

N/A

Handheld Camera:

N/A

Staff/PIC injuries:

Injury to Inmate Report, FY23-3846 noted on May 30, 2023, at 2218 hours, PIC [REDACTED] was afforded prompt medical attention. PIC [REDACTED] sustained a 5cm laceration on his right cheek.

There were no reported staff injuries by COD or the facility.

Accuracy of UOF classification:

The incident was inaccurately classified as an "A" Use of Force due to PIC [REDACTED] sustaining a 5cm laceration to his right cheek. However, PIC [REDACTED] sustained his injury as a result of a slashing not by staff actions. Therefore, a request will be submitted for a reclassification downgrade to a "C" UOF incident.

Summary of PIC statements:

On May 31, 2023, PIC [REDACTED] refused to provide a statement to the facility or medical staff.

On June 13, 2023, at 0935 hours in the GRVC 11A housing, Investigators [REDACTED] attempted to interview PIC [REDACTED] who refused to provide a voluntary statement, and refused to be photographed, or sign HIPPA form.

Staff Reports:

All staff reports were reviewed and were generally consistent with the video evidence and with each other. Secondly, Captain [REDACTED] was observed deploying chemical agents less than the distance of (3) three feet and ultimately made contact with back of PIC [REDACTED] head. However, Captain [REDACTED] attempted to retrieve his chemical agents from the PIC, who refused to comply. PIC [REDACTED] advanced

toward the other PICs with the chemical agents in his hand. Captain [REDACTED] responded quickly and deployed chemical agents toward the PIC [REDACTED] facial area as the PIC turned away from him. Subsequently, making contact with the back of the PIC's head. Due to limited space on the tier, Captain [REDACTED] could not clear the recommended distance of (3) three feet. The ID determined the actions of Captain [REDACTED] was not intended to cause harm nor deemed malicious. The actions of the captain were to prevent serious jury to the PICs and staff as PIC [REDACTED] had chemical agents in his possession, no corrective action is deemed warranted.

#### Facility Rapid Review:

The Rapid Review conducted by Deputy Warden [REDACTED] indicated that the incident was unavoidable, and force was necessary. In addition, with no painful escort techniques, but procedural errors were identified. The facility noted that Captain [REDACTED] will be made the subject of a Command Discipline as he failed to safeguard his chemical agents. Officer [REDACTED] will be made the subject of a suspension as he was off post from 2015 to 2118 hours, which resulted in a random act of violence. Officer [REDACTED] will be made the subject of a Command Discipline as he failed to assist during the incident. Furthermore, Officer [REDACTED] was suspended for a total of (7) seven days from June 05, 2023, to June 12, 2023, for being off post, observed with his chemical agents in his pocket, and unsecured cell doors. The suspension was initiated by Assistant Commissioner [REDACTED] and authorized by Commissioner Louis Molina. Additionally, Officer [REDACTED] was served with a Memorandum of Complaint by Deputy Warden [REDACTED] pending COA support review. The ID verified the corrective actions taken by the command. Furthermore, a search of CMS yielded negative findings for Captain [REDACTED], and Officers [REDACTED] Command Discipline's. A facility referral will be generated to ensure the facility produces the aforementioned staff with the Command Discipline.

#### Conclusion:

Based on the evidence as cited above, it is recommended that this case be closed with a facility referral. The Investigation Division determined that the force utilized in this incident was unavoidable and necessary due to PIC [REDACTED] aggression and his possession of chemical agents, to enforce Department rules when there was an immediate need for compliance where lesser means such as IPC skills were ineffective, and to prevent physical harm or injury. The force was minimal and proportional to the resistance and threat posed by PIC [REDACTED]. Furthermore, the force was in accordance with Directives 5006R-D, 4510R-H, and Departmental Rules and Regulations.

CMS Preliminary Reviews Report for July 2023 (2866/23)

Investigator's Justification for Determination: U2866-23

#### Synopsis

On June 6, 2023, at approximately 0608 hours, in GRVC 17B housing area, PICs [REDACTED] exited the pantry area. PIC [REDACTED] walked behind PIC [REDACTED] and made a swiping motion toward his facial area [REDACTED] at 06:08:20). PIC [REDACTED] began to chase PIC [REDACTED] the housing area. PIC [REDACTED] ran into a lower tier cell, followed by PIC [REDACTED] (06:08:50). Officer [REDACTED] deployed an application of chemical agents toward PIC [REDACTED] preventing him from entering the cell [REDACTED] at 06:08:50). PIC [REDACTED] was secured in restraints and escorted out of the housing area [REDACTED] at 06:16:50). PIC [REDACTED] was secured in restraints and escorted out of the housing area [REDACTED] at 06:19:00). PIC [REDACTED] is escorted to the Seg Intake and secured in the decontamination pen [REDACTED] PIC [REDACTED] is escorted to the Main Clinic [REDACTED] 06:24:35). PIC [REDACTED] is afforded medical attention in cubicle #4 [REDACTED] at 06:24:45).

#### Photographic Evidence

The facility provided three (3) photographs of PIC [REDACTED] and notated that he refused further photos. The facility provided one (1) refusal photo of PIC [REDACTED] and notated that he refused further photos. The Investigation Division did not photograph the above-mentioned PICs.

#### Video Evidence

The following video evidence was reviewed from 0600 to 0800 hours of the incident on June 6, 2023, and it depicted the incident as narrated above.

The investigator and supervisor verified that there was BWC evidence associated with this incident. However, no handheld camera footage of this incident was located.

The Genetec Surveillance footage from the following angles/location was reviewed and requested for archival purposes:

GRVC 17 B Housing area

[REDACTED]

GRVC Building 1

[REDACTED]

Body Worn Camera

[REDACTED]

[REDACTED]

[REDACTED]

#### Staff/PIC Injuries

Injury to Inmate Report, FY23/1207, noted that on June 6, 2023, at 1234 hours, PIC [REDACTED] was produced for delayed medical attention. The treating physician noted the PIC [REDACTED] refused medical evaluation, was alert with no visible injuries.

Injury to Inmate Report FY23/1204, noted that on June 6, 2023, at 0640 hours, PIC [REDACTED] sustained a 12cm linear laceration from the back of the left ear down the left neck, with visible injuries.

There were no reported staff injuries by COD or the facility.

#### Accuracy of UOF Classification

This incident was classified as a "P" Use of Force. Reference to COD # 1822/23-Slashing.

Based on video footage it has been determined that this incident should be classified as a "C" UOF since the injuries sustained by PIC [REDACTED] were attributed to the actions of another PIC.

#### Brief Summary of PIC Statements

PIC [REDACTED] and [REDACTED] both refused to provide statements to the facility.

The incident and UOF were captured on Genetec Surveillance footage in its entirety. Therefore, PIC interviews were not conducted by the Investigation Division.

#### Staff Reports

All staff reports were reviewed and were consistent with the video evidence and each other.

#### Facility Rapid Review

The Rapid Review conducted by Deputy Warden [REDACTED] of GRVC noted that the incident was unavoidable and procedural errors were identified by staff. Officer [REDACTED] will receive a Command Discipline for having an unsecured pantry door. Officers [REDACTED] (CD Log #295/23), and [REDACTED] (CD Log #296/23) both received Command Disciplines for having unsecured cell doors and PICs not in proper uniforms. However, Officer [REDACTED] Command Discipline was entered into CMS, but no CD Log # was not generated at the time of this Investigation. A Facility Referral will be generated to address this matter.

#### Conclusion

Based on the evidence cited above, it is recommended that this case be closed with a Facility Referral.

The Investigation Division determined that the force utilized in this incident was unavoidable and necessary due to the PIC assault that resulted in a slashing. There was an immediate need for compliance where lesser means such as IPC skills were ineffective to prevent further harm and injury to staff. The force was in accordance with the Use of Force Directive 5006R-D, Chemical Agents 4510R-H, and Departmental Rules and Regulations.

## CMS Preliminary Reviews Report for July 2023 (2883/23)

## Investigator's Justification for Determination: Synopsis

On June 6, 2023, at approximately 1417 hours, in the confines of AMKC 4 Upper Entrance, PIC [REDACTED] and [REDACTED] were involved in a physical altercation. Officer [REDACTED] responded to the fight and appeared to grab PIC [REDACTED] moving him out of the way [REDACTED] at 14:16:00 hours). PIC [REDACTED] was observed in the back of the housing area when PIC [REDACTED] walked towards him [REDACTED] at 14:17:35 hours). PIC [REDACTED] was observed in front of Officer [REDACTED]. Officer [REDACTED] pushed PIC [REDACTED] away from PICs [REDACTED] Officer [REDACTED] deployed a one-two-second burst of chemical agent toward PIC [REDACTED] as he stepped into a fighting stance facing PIC [REDACTED] at 14:17:28 hours). PIC [REDACTED] was secured in the vestibule, while PIC [REDACTED] and PIC [REDACTED] remained in the housing area ([REDACTED] at 14:18:00 hours). Shortly after, additional staff arrived and escorted PIC [REDACTED] out of the housing area to the intake where he was secured in the decontamination pen. PIC [REDACTED] was escorted out of the area to the intake. PIC [REDACTED] was searched and escorted to the clinic while PIC [REDACTED] was secured in the decontamination pen, terminating the incident [REDACTED] at 14:29:49 hours).

## Photographic Evidence

The facility provided one (1) photograph of PIC [REDACTED] front side. PIC [REDACTED] refused to be photographed.

The facility provided one (1) photograph of PIC [REDACTED] front side. PIC [REDACTED] refused to be photographed.

The facility provided one (1) photograph of PIC [REDACTED] front side. PIC [REDACTED] refused to be photographed. The photograph did reveal an injury to PIC [REDACTED] forehead.

The ID did not photograph the above-mentioned PICs.

## Video Evidence

The following video evidence was reviewed from 1400 hours to 1500 hours of the incident on June 6, 2023, and it depicted the incident as narrated above. The investigator and supervisor verified that there was no handheld evidence associated with this incident.

The Genetec surveillance from the following angles/location we reviewed and requested: [REDACTED]

## Body Worn Camera (BWC):

[REDACTED] 6/6/2023 2:17:54PM depicted conversing with the PICs, the body worn camera was faced toward the officer's person. Officer [REDACTED] was heard stating, "Move mother fucker, what you think you about to do", referenced at 14:18:01 hours. Chemical agents were heard being deployed. Officer [REDACTED] was heard stating, 'I told him to move mad fucking times, do what you got

to do my nigga, fuck that do what you got to do, press that button nigga, you a new nigga in here bro", referenced from 14:18:20 hours 14:18:48 hours.

[REDACTED] [REDACTED]  
[REDACTED] [REDACTED]

Handheld Camera:

N/A

#### Staff/PIC Injuries

Injury to Inmate Report, FY23/8450 noted on June 6, 2023, at 1455 hours, PIC [REDACTED] was produced for prompt medical attention and a laceration 1 cm long and 0.5 cm deep on the forehead.

Injury to Inmate Report, FY23/8455 noted on June 6, 2023, at 1600 hours, PIC [REDACTED] was produced for prompt medical attention and refused medical attention.

Injury to Inmate Report, FY23/8453 noted on June 6, 2023, at 1705 hours, PIC [REDACTED] was produced for prompt medical attention and refused medical attention.

There were no reported staff injuries by COD or the facility.

#### Accuracy of UOF Classification

This incident was misclassified as an "A" UOF due to PIC [REDACTED] sustaining a laceration to the forehead. However, PIC [REDACTED] sustained his injury from the PIC-on-PIC fight not by staff actions during the Use of Force. A request will be sent out for this incident be reclassified to a "C" Use of Force.

#### Brief Summary of PIC Statements

On June 06, 2023, PICs [REDACTED] refused to provide a statement to the facility or medical staff. The Investigation Division determined that PIC interviews were unnecessary due to the incident being captured via video evidence, the consistency of staff reports, and no allegation made against DOC staff.

#### Staff Reports

All staff reports were reviewed and were generally consistent with the video evidence and each other.

#### Facility Rapid Review

The Rapid Review conducted by Warden [REDACTED] noted this incident was avoidable due to the MOS being off post and force was necessary. It was also noted that Officer [REDACTED] will receive a Command Discipline for being observed off post prior to the UOF and MOS was heard being unprofessional on the BWC. MOS will be made subject of a command discipline. The Command Discipline logged under Department CD Log # 2142/23 and Command CD Log #AMKC630/23. Officer [REDACTED] was observed with an unsecured breaker gate. MOS failed to activate BWC and will be made subject of a Command Discipline. The Command Discipline is logged under Department CD Log #2143/23 and Command CD Log AMKC631/23. We concur with the violation noted by the facility, and we verified that the corrective action was taken.

## Conclusion

Based on the evidence cited above, it is recommended that this case be closed with no further investigative action is necessary. The Investigation Division determined that the force utilized in this incident was unavoidable. The force was necessary due to the PICs fighting. The force was minimal and proportional to the resistance posed by PICs [REDACTED] Furthermore, the force was in accordance with Directive 4510R-H, 5006R-D, and Departmental Rules and Regulations.



## CMS Preliminary Reviews Report for July 2023 (3016/23)

Investigator's Justification for Determination: UOF #: U3016-23

Facility: AMKC

Synopsis: On June 15, 2023 in AMKC Main Intake pen #7, PIC [REDACTED] was observed banging on the cell window at which point Officers [REDACTED] entered pen #7 along with Captain [REDACTED]. Officer [REDACTED] guided PIC [REDACTED] left arm behind his back without force as Officer [REDACTED] grabbed the PIC's right arm and placed it behind his back ([REDACTED] at 02:16:48) forcefully. At no time was resistance observed from PIC [REDACTED]. Upon being placed in restraints, Officers [REDACTED] and [REDACTED] proceeded to escort PIC [REDACTED] out of the cell in which Officer [REDACTED] was observed utilizing a painful escort by bending the PIC's hand upwards ([REDACTED] at 02:17:03 & [REDACTED] at 02:17:07). Officers [REDACTED] then proceeded to place the PIC against the wall in the corner of Intake ([REDACTED] at 02:17:24) in which Officer [REDACTED] continued to improperly escort the PIC. It was apparent that PIC [REDACTED] was in pain based upon his facial expressions ([REDACTED] at 02:17:49). As staff continued to escort the PIC, PIC [REDACTED] dropped his body to the floor ([REDACTED] at 02:18:05) and while on the floor, Officer [REDACTED] was observed hovering over the PIC ([REDACTED] at 02:18:05). PIC [REDACTED] was heard screaming and requesting that Officer [REDACTED] get off of him at which point Officer [REDACTED] and Officer [REDACTED] was observed holding the PIC's upper body area and securing him onto the floor ([REDACTED] at 02:18:32 & [REDACTED] at 02:18:38). A wheel chair was summoned to the area and PIC [REDACTED] was assisted to his feet, placed in the chair and escorted to the clinic ([REDACTED] at 02:20:37). Upon completion of medical attention, PIC [REDACTED] was escorted to housing area 15 Lower and secured inside of a cell ([REDACTED] at 02:44:59), terminating the incident.

Note - On BWC [REDACTED] at 02:18:43 the PIC alleged that Officer [REDACTED] was choking him. At no time was the officer observed choking the PIC. Additionally, on [REDACTED] at 02:20:56, PIC [REDACTED] alleged that the officer punched him in his face off camera.

Photographic Evidence: The facility provided one (1) side profile photo of PIC [REDACTED] in which the PIC was strapped in wheelchair.

The Investigation Division did not obtain any photographs of PIC [REDACTED]

Video evidence: The following video evidence was reviewed for June 15, 2023, between 0147 and 0248 hours and depicted the incident as narrated above.

The investigator and supervisor verified that there was no BWC evidence associated with this incident.

AMKC Intake Pen #7

Angles: [REDACTED]

AMKC Intake Corridor

Angles: [REDACTED]

AMKC Clinic

Angles: [REDACTED]

AMKC Main Corridor

Angles: [REDACTED]

AMKC T-Left Corridor

Angles [REDACTED]

AMKC 15 Lower

Angles: [REDACTED]

Body Worn Camera:

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Handheld Camera: None.

Staff/PIC injuries: On June 15, 2023 at approximately 0240 hours, PIC [REDACTED] was afforded prompt medical attention (FY23-8659) in which he did not sustain any injuries.

There were no staff injuries reported to COD or the facility.

Accuracy of UOF classification: This incident was properly classified as a "C" Use of Force in which neither staff nor PIC sustained any injury.

A brief summary of PIC statements: PIC [REDACTED] refused to provide a statement to the facility.

On July 11, 2023, at approximately 1344 hours, Inv. [REDACTED] and Inv. [REDACTED] conducted an interview with PIC [REDACTED] in GRVC Counsel Visits in which the PIC stated, "If you look at the camera you can see that I was attacked and didn't receive medical. I told staff from 15 Lower to give me medical because a knee was on my back, and I had pain. Officer [REDACTED] placed his knee on my back. I was taken out the cell in Intake and placed in restraints and I was supposed to go to psych. They placed me in the corner and Officer [REDACTED] struck me in my face and he placed his knee on my back".

Staff reports: The provided staff reports were reviewed and were generally consistent with the video evidence and each other.

\*Officer [REDACTED] provided a Use of Force report which in sum he stated PIC [REDACTED] was refusing to be rehoused and became disruptive. Upon entering pen #7, Officer [REDACTED] gave the PIC verbal commands to comply with cuffing procedures in which he complied. As Officer [REDACTED] exited the pen and proceeded their escort, PIC [REDACTED] proceeded to pull away from their escort hold and resisted. Officer [REDACTED] then upper body control holds towards the PIC's left arm while giving orders to stop resisting at which point compliance gained and they exited the Main Intake. As staff continued to escort

the PIC to the clinic, the PIC dropped to the floor and refused to walk at which point he was placed in a jet wheel, terminating the incident.

\*\*Captain [REDACTED] failed to mention the actual force she witnessed.

Officer [REDACTED] did not provide an accurate report in which he failed to mention the escort technique that he utilized on the PIC as he escorted him out of the pen and into the corridor. Additionally, the MOS stated that the PIC was resisting against staff escort hold in which no resistance was observed.

-The facility failed to provide Captain [REDACTED] and Officers [REDACTED] staff reports for review in which an email was sent requesting the documents.

Facility Rapid Review: The Rapid review conducted by Warden [REDACTED] denoted the incident unavoidable and recommended a Command Discipline for Officer [REDACTED] for "utilizing painful escort technique", Officer [REDACTED] for "failing to activate BWC prior to the UOF" and Captain [REDACTED] for "failing to activate BWC prior to the UOF MOS failed to supervise staff during escort".

This incident was referred to Full ID to determine whether the force was unavoidable, necessary and excessive.

Department CD Log Number: 2149-23

Command CD Log Number: AMKC635/23 was generated for Officer [REDACTED]

As per CMS, The facility did not generate the CD for Captain [REDACTED] As per CMS, on 07/12/2023, a CD was initiated for Officer [REDACTED] however no CD log # was assigned.

Conclusion:

Based on the evidence cited above, it is recommended that this case be referred to Full ID for head strike allegation and other FULL ID circumstances.

CMS Preliminary Reviews Report for July 2023 (3031/23)

Investigator's Justification for Determination: UOF #: 3031-23

Facility: RNDC

Synopsis:

On June 15, 2023, at approximately 1430 hours, in RNDC Intake Search Area, Person in Custody (PIC) [REDACTED] reportedly refused to comply with orders to exit the search area. PIC [REDACTED] and Officer [REDACTED] engaged in a verbal altercation. Officer [REDACTED] pushed PIC [REDACTED] to his chest at which time PIC [REDACTED] pushed Officer [REDACTED] (14:29:02). Officer [REDACTED] then stepped forward and punched PIC [REDACTED] in his facial area ( [REDACTED] at 14:29:05). PIC [REDACTED] and Officer [REDACTED] exchanged strikes. Officer [REDACTED] responded, pushing Officer [REDACTED] away, and placed the PIC against the wall ( [REDACTED] at 1429 hours). PIC [REDACTED] was then escorted out of the area and secured in pen #8, terminating the incident.

It should be noted that BWC [REDACTED] failed to capture audio of the incident.

Photographic Evidence:

The facility provided (4) photographs of PIC [REDACTED] depicting a front, back, left and right profile.

Video Evidence:

The following video evidence was reviewed from 1330 hours to 1500 hours on June 15, 2023, and depicted the incident as narrated above.

[REDACTED]

[REDACTED]

[REDACTED]

Staff/PIC Injuries:

Injury to Inmate Report, FY23/4431 noted on June 15, 2023, at 1715 hours, PIC [REDACTED] was produced for prompt medical attention. PIC [REDACTED] sustained right eye pain and swelling and bruised lower lip. PIC [REDACTED] was treated with ice packs and sent to Urgicare for X-ray. A review of CHS revealed no serious injuries noted.

There were no reported staff injuries by COD or the facility.

Accuracy of UOF classification:

This incident was incorrectly classified as a "C" UOF. PIC [REDACTED] sustained injuries as a result of the UOF. A reclassification will be submitted to upgrade this UOF to a "B".

A brief summary of PIC statements:

PIC [REDACTED] refused to provide a statement to the facility.

Staff reports:

Officer [REDACTED] reported utilizing force, however, he was not included as a participant in the UOF incident. An email was sent to add the MOS as a participant and a facility referral was generated to ensure that the facility adds the MOS.

Of note, body-worn camera [REDACTED] depicts Officer [REDACTED] grabbing onto PIC [REDACTED] hair, momentarily, as the PIC pulled his head away from Officer [REDACTED] (00:04). No disciplinary action was recommended as the MOS wrote in his report that he released his grip when he realized it was PIC [REDACTED] hair.

The provided reports will be further assessed during the FULL ID investigation.

Facility Rapid Review:

The Rapid Review conducted by Deputy Warden [REDACTED] noted that the incident was avoidable due to Officer [REDACTED] closing the distance and was observed utilizing closed fist strikes during the incident. As a result, Officer [REDACTED] was the subject of a suspension for fifteen (15) days (Teletype Order No. HQ-01417 -0). The MOC was generated and available on CMS, pending warden approval.

Conclusion:

Based on the evidence cited above, it is recommended that this case be closed is referred for further investigation due to head strikes.

CMS Preliminary Reviews Report for July 2023 (3311/23)

Investigator's Justification for Determination: UOF: U3311/23

Facility: EMTC

Brief Incident Summary:

On June 30, at approximately 1950 hours, within the confines of Eric .M Taylor (EMTC), Intake [REDACTED], New admission, Person In custody (PIC), Bradley, James [REDACTED] was escorted into intake from the sallyport area secured in hand and leg restraints. Upon entry, PIC Bradley Immediately, encounter Officer [REDACTED]. Instantly, the two began to engage in a continuous verbal exchange ([REDACTED] at 19:50:15), PIC Bradley proceeded to walk and stood in the PIC-designated standing area (red box). Simultaneously, Officer [REDACTED] follows and gestured to the individual to stand against the wall ([REDACTED] at 19:50:28). PIC Bradley complied and took several steps backward. Simultaneously, Officer [REDACTED] closed his distance by stepping towards the PIC. The individual then extended his hand/arm and push the officer to the chest area. Office [REDACTED] immediately threw two punches which made contact with the individual head/facial area [REDACTED] at 19:50:33). The staff intervened and guided Officer [REDACTED] out of the area, thus terminating the incident.

PIC Interview is necessary as well as possible MEO to conduct an efficient investigation. A review of the Incident Reporting System (Inmate Lookup) revealed that PIC Bradley was discharged from DOC custody (bailed out) on July 3, 2023.

Video Review:

Genetec Angles (Incident) [REDACTED] were reviewed.

There is no handheld or body-worn camera available or activated for this incident.

Inmate Statements, Staff Reports, Injury to Inmate Report, TC Logbook page

A review of CMS revealed the required CMS attachments including the inmate statements, staff reports, Injury to Inmate Report, and the TC Logbook page were uploaded by the facility except Officer [REDACTED] UOF Report. Inmate Bradley provided a statement to the facility stated, "On June 30, 2023, at approximately 7:50 I James Bradley was assaulted by a Transportation Correctional Officer while handcuffed and shackled in the Intake area in front of several witnesses upon entering the intake area from the Transportation bus to be uncuffed and shackled. I would like to press charges on the transportation Correctional Officer that physically assaulted by throwing closed-fist punches to my facial area caused injury. My jaw, neck, ear, and head hurts very badly."

Facility Rapid Review:

At the time of this report, the Rapid Review was not made available to the Investigation Division.

Immediate Action

On July 1, 2023, this incident was referred for Immediate Action, and the following was the outcome: Officer [REDACTED] was suspended for 30 days by the facility.

Recommendation:

Based on the evidence, this case meets the criteria for further investigation due to head strikes. It is recommended that this case be referred for further investigation.

CMS Preliminary Reviews Report for July 2023 (3447/23)

Investigator's Justification for Determination: UOF #: 3447/23

Facility: AMKC

Synopsis:

On July 7, 2023, (42.151) at approximately 0935 hours, in AMKC, housing area W18UA, several PICs walked into the bathroom/shower area. [REDACTED] Officer [REDACTED] walked towards the bathroom area and placed a gas mask over the top of his head. Said officer began speaking to the PICs and gave them direction to exit the bathroom. Several PICs departed from the bathroom area. [REDACTED] At approximately 0937 hours, Officer [REDACTED] was observed speaking with several PICs whilst simultaneously returning the gas mask to the carrying pouch.

[REDACTED] At approximately 0940 hours, multiple PICs reentered the bathroom area. [REDACTED] Simultaneously Officer [REDACTED] walked over to the Control Station and appeared to have communicated with officer inside. [REDACTED] Officer [REDACTED] then walked over to the bathroom area. A multiple PIC on PIC fight ensued as multiple PICs were observed throwing multiple closed fists strikes towards PIC [REDACTED] Officer [REDACTED] appeared to be giving the PICs direct orders to cease their actions, to no avail as the PIC's actions persisted. [REDACTED] A PIC threw a chair striking PIC [REDACTED] to the back of the head. Shortly thereafter a PIC grabbed PIC [REDACTED] by the lower waist area and took PIC [REDACTED] down to the floor. Officer [REDACTED] utilized soft hand techniques, in a failed attempt, to push the PICs off of PIC [REDACTED], as the PICs continued striking PIC [REDACTED] At approximately 0941 hours, Officer [REDACTED] (identified through staff reports) opened the housing area door, simultaneously, multiple PICs proceeded to strike, stomp and kick PIC [REDACTED] who appeared to be still on the floor. Officer [REDACTED] again attempted to utilize soft hand techniques to push one of the PICs away from PIC [REDACTED] to no avail as the assault continued. [REDACTED] An unidentified PIC intervened and walked PIC [REDACTED] out of the housing area, onto the vestibule. PIC [REDACTED] was lightly hit by the door, to the upper right shoulder area, as Officer [REDACTED] attempted to secure it [REDACTED] at 09:41:19). PIC [REDACTED] grabbed the door, preventing it from being secured. After several seconds, the PIC who broke up the fight reentered the housing area, and the housing area door was secured, and PIC [REDACTED] was secured in the pantry [REDACTED] 09:49:43) thus terminating the incident.

At approximately 0957 hours, PIC [REDACTED] was allowed onto the vestibule area ([REDACTED]). At approximately 1016 hours, PIC [REDACTED] was escorted out of the area [REDACTED] At approximately 1028 hours, [REDACTED] a probe team intercepted in the Main Corridor, as PIC [REDACTED] refused to comply with escort procedures. PIC [REDACTED] was escorted to the Main Intake and secured in pen #5 at approximately 1036 hours [REDACTED]

Photographic Evidence:

The facility provided one (1) photo each of the following PICs, denoting refusals.

- [REDACTED]

[REDACTED]



- [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Video evidence:

The following video evidence was reviewed from July 07, 2023, 0935 to 1036 hours and depicted the incident as narrated above.

The investigator and supervisor verified that there was no handheld evidence associated with this incident.

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Staff/PIC injuries:

As per Injury to Inmate Report #167/FY24, PIC [REDACTED] was afforded delayed medical attention, (approximately 8 hours following the incident), At 1842 hours, medical staff noted that the PIC refused medical attention and denied injury; no visible or serious injuries were noted.

As per Injury to Inmate Report #168/FY24, PIC [REDACTED] was afforded delayed medical attention, (approximately 8 hours following the incident), At 1850 hours, medical staff noted that the PIC refused medical attention and denied injury; no visible or serious injuries were noted.

As per Injury to Inmate Report #169/FY24, PIC [REDACTED] was afforded delayed medical attention, (approximately 8 hours following the incident), At 1858 hours, medical staff noted that the PIC refused medical attention and denied injury; no visible or serious injuries were noted.

As per Injury to Inmate Report #166/FY24, PIC [REDACTED] was afforded delayed medical attention, (approximately 8 hours following the incident), At 1854 hours, medical staff noted that the PIC refused medical attention and denied injury; no visible or serious injuries were noted.

As per Injury to Inmate Report #161/FY24, PIC [REDACTED] was afforded delayed medical attention, (approximately 8 hours following the incident), At 1800 hours, medical staff noted that the PIC refused medical attention; no visible or serious injuries were noted.

As per Injury to Inmate Report #160/FY24, PIC [REDACTED] was afforded delayed medical attention, (approximately 8 hours following the incident), At 1855 hours, medical staff noted that the PIC refused medical attention; no visible or serious injuries were noted.

As per Injury to Inmate Report #159/FY24, PIC [REDACTED] was afforded delayed medical attention, (approximately 8 hours following the incident), At 1825 hours, medical staff noted that the PIC refused medical attention and denied injury; no visible or serious injuries were noted.

As per Injury to Inmate Report #158/FY24, PIC [REDACTED] was afforded prompt medical attention, and transferred to the ER (Elmhurst Hospital) via EMS. As per the CHS update, PIC [REDACTED] sustained visible injuries that required further evaluation which included a laceration, that required sutures/staples or Dermabond.

There were no reported staff injuries by COD or the facility.

Accuracy of UOF classification:

This incident is currently classified as "P" notification will be made to update the injury to a "C" as the PICs injuries were a result of his fight with the other PICs and not attributed to the force utilized by staff.

A brief summary of PIC statements:

PICs [REDACTED] refused to provide a statement to the facility.

On July 07, 2023, at approximately 2157 hours, SI [REDACTED] contacted Elmhurst Hospital and Nurse [REDACTED] advised that PIC [REDACTED] was currently receiving a cat scan and they were awaiting results and that the PIC was awake, alert, and oriented.

On July 07, 2023, at approximately 2200 hours, Investigators [REDACTED] attempted to interview PIC [REDACTED] at Elmhurst Hospital. PIC [REDACTED] refused to provide a statement, have photos taken and to sign a HIPAA form.

Staff reports:

The following MOS submitted Use of Witness/Witness reports:

- Officer [REDACTED]

- Officer [REDACTED]

Officer [REDACTED] reported that at approximately 0930 hours, PIC [REDACTED] got up from his bed and began to curse at his peers and threatened to do bodily harm as he walked to the bathroom. Said PIC quickly returned to his bed from the bathroom and exchanged words with his peers before returning to the bathroom. Said officer heard a commotion in the bathroom, which flowed onto the common area of the unit and said PIC exchanged punches with several PICs from the housing unit. Commands were given to the PICs to stop fighting, to no avail. Said officer utilized "hand techniques" until he was able to remove said PIC from the unit. As said PIC stood outside of the unit by the door, said PIC grabbed the handle, preventing said officer from closing the door. Said officer removed said PIC's hand from the door.

Officer [REDACTED] reported that the Control Room was notified of the incident, so that the area supervisor could be notified, which was unsuccessful.

Officer [REDACTED] and [REDACTED] submitted 600Ars which were ordered by the facility.

Officer [REDACTED] reported that on 7/7/23 he was assigned to the Control Room "B" post for the 0600x1431 tour. Said officer was notified several times by Officer [REDACTED] who was assigned to the West Upper 18 A post, that said officer was requesting for the area supervisor to report to West Upper 18. Officer [REDACTED] requested for the "J House" supervisor (Captain [REDACTED]) via radio transmission and notified her that WU18 was requesting for her to report/call that area.

Officer [REDACTED] reported that at approximately 0945 hours, she called central control to contact Captain [REDACTED]. Central control made the radio transmission, but there was no response. Officers [REDACTED] and [REDACTED] returned, and also made a radio transmission approximately 25 minutes later for said captain, but there was still no response. Central control made another transmission and said captain was asked to call the housing area, which was over an hour after the incident. Officer [REDACTED] explained to Captain [REDACTED] that there was a fight with multiple PICs. Captain [REDACTED] arrived at approximately 1215 hours, and she explained to said captain that she was not sure if she had a use of force, while the PIC was being removed from the housing area. At approximately 1345 hours, Captain [REDACTED] informed said officer that only Officer [REDACTED] utilized force.

#### Facility Rapid Review:

The Rapid Review conducted by Deputy Warden [REDACTED] noted that Officer [REDACTED] would be made the subject of a Command Discipline, as the MOS failed to act when there was a multiple inmate on inmate altercation. It was noted that Officer [REDACTED] was not BWC trained. As of current the CD has not yet been generated.

#### Additional Documents

Radio transmissions from AMKC- 07/07/23 0900x1030 hours were obtained (placed on CD disk).

On July 11, 2023, an email was sent to AMKC requesting a report from Captain [REDACTED]. The report is forthcoming.

As per the related Callout Report, On July 07, 2023, Investigators [REDACTED] were dispatched to AMKC and obtained the following documents:

- Clinic Injury Report Logbook
- AMKC OC Logbook- Pages 80 & 81 revealed that Officer [REDACTED] signed out chemical agents (mk4 #370) at 2200 hours.

Conclusion:

Based on the evidence cited above, this case is being referred for further investigation due to other Full ID circumstances as summarized below.

The Investigation Division determined that the "soft hand techniques" utilized by Officer [REDACTED] were not effective, as the altercation continued. Officer [REDACTED] did not utilize the minimum amount of force that appeared warranted by the situation in such a manner to minimize injuries to the individuals in custody. Officer [REDACTED] did not increase force or utilize an alternative such as chemical agents, in which he was in possession of. As a result, PIC [REDACTED] sustained serious injuries.

Pursuant to this investigation, Officer [REDACTED] was suspended by the Investigation Division on July 12, 2023; his return to duty date is pending.

It was reported that the area supervisor, Captain [REDACTED] failed to respond to multiple radio transmissions requesting her assistance to the area and that said captain did not report to the area until approximately an hour after the incident was terminated. Captain [REDACTED] report is forthcoming.

This incident was reported to COD, approximately 8 hours and 35 minutes following the incident and several PICs were provided notably delayed medical attention; no explanation was provided by the facility.

CMS Preliminary Reviews Report for August 2023 (3246/23)

Investigator's Justification for Determination: UOF:3246/23

AMKC

Brief Incident Summary:

On June 27, 2023, at 1645 hours, [REDACTED] multiple PICs including [REDACTED] [REDACTED] Joseph Myers NYSID 12141866M, [REDACTED] [REDACTED] were observed in the mini yard with staff as they walked towards the far side of the yard near another entrance gate talking to a pic and staff on the opposite side of the gate [REDACTED] [REDACTED]). The PICs retreat and walk towards another door [REDACTED] which is the gate into the building for small yard). Where they congregated and were conversing with staff and PICs walked towards the same area [REDACTED] PICs were seen quilting the situation by their hand gestures. Staff and PICs then walked towards the door. At approximately 1647 hours, additional staff responded including Captain [REDACTED] [REDACTED] PICs began walking away towards the door when Captain [REDACTED] ordered them to step back as they were talking about a ball being thrown on the roof and they want to go back to their housing area so they could use the phone ([REDACTED] at 16:48:04). Staff and PICs remained in the area and continued speaking as additional staff responded.

PIC [REDACTED] was heard inciting the other pics then turned around and walked towards staff as they continued arguing when Officer [REDACTED] deployed an application of chemical agents towards PIC [REDACTED] at which time, he retreated by running from the area and compliance was gained [REDACTED]

The PICs were seen with their hands on the wall when Captain [REDACTED] utilized chemical agents on multiple PICs who did not pose any imminent threat to her nor staff [REDACTED] Shortly after, all the PICs complied, secured in restraints and subsequently escorted out the area, terminated the incident.

Body Worn Camera:

The body-worn cameras [REDACTED] were generally consistent with Genetec video evidence. In addition, [REDACTED] observed secured the PICs in restraints as they complained of being sprayed in the face for no reason. The PICs also stated that Captain [REDACTED] should be written up and complained the cuffs were tight. Staff then escorted the PICs from the area.

The body-worn cameras [REDACTED] depicted staff escorting the PICs from the area to the Intake, without incident.

The body-worn cameras [REDACTED] were generally consistent with Genetec video evidence. In addition, staff was heard giving the PICs instruction to get on the wall. At which time, chemical agents were heard being utilized and staff was heard saying "she's wilding." The PICs continued complaining of being sprayed for no reason when their hands were behind their backs.

The body-worn cameras [REDACTED] were generally consistent with Genetec video evidence. In addition, heard the PICs arguing with staff about using the phone (however, all their dialogue was not clear).

Video Surveillance:

Genetec video surveillance angles [REDACTED] were reviewed from 1642 hours to 1700 hours on June 27, 2023, in AMKC Mini Yard area. Genetec video surveillance footage depicted the incident as narrated above. Both the investigator and supervisor reviewed the Genetec footage and verified that there were no associated Handheld videos associated with this case.

Staff/PIC injuries, Accuracy of UOF classification:

According to Injury Report FY23/8947, PIC [REDACTED] was seen by medical on June 27, 2023, at 1855 hours. The report noted PIC [REDACTED] refused medical attention, was in no distress or bleeding and had no visible injuries observed.

According to Injury Report FY23/8955, PIC [REDACTED] was seen by medical on June 27, 2023, at 1915 hours. The report noted PIC [REDACTED] refused medical attention, denies any pain or injury, and had no visible injuries observed.

According to Injury Report FY23/8958, PIC [REDACTED] was seen by medical on June 27, 2023, at 1925 hours. The report noted PIC [REDACTED] refused medical attention, denies any pain or injury, and had no visible injuries observed.

According to Injury Report FY23/8949, PIC [REDACTED] was seen by medical on June 27, 2023, at 1855 hours. The report noted PIC [REDACTED] refused medical attention, and had no visible injuries observed.

According to Injury Report FY23/8950, PIC [REDACTED] was seen by medical on June 27, 2023, at 1855 hours. The report noted PIC [REDACTED] refused medical attention, was in no distress or bleeding and had no visible injuries observed.

According to Injury Report FY23/8951, PIC [REDACTED] was seen by medical on June 27, 2023, at 1914 hours. The report noted PIC [REDACTED] refused medical attention, denies any pain or injury, had no complain and had no visible injuries observed.

According to Injury Report FY23/8952, PIC [REDACTED] was seen by medical on June 27, 2023, at 1855 hours. The report noted PIC [REDACTED] refused medical attention, was in no distress or bleeding and had no visible injuries observed.

According to Injury Report FY23/8959, PIC [REDACTED] was seen by medical staff. The report noted PIC [REDACTED] refused medical attention, denies any pain or injury, had no complain and had no visible injuries observed.

According to Injury Report FY23/8956, PIC Myers was seen by medical on June 27, 2023, at 1915 hours. The report noted PIC Myers refused medical attention, denies any pain or injury, had no complain and had no visible injuries observed.

According to Injury Report FY23/8953, PIC [REDACTED] was seen by medical on June 27, 2023, at 1910 hours. The report noted PIC [REDACTED] refused medical attention, had no complain and had no visible injuries observed.

According to Injury Report FY23/8963, PIC [REDACTED] was seen by medical on June 27, 2023, at 2030 hours. The report noted PIC [REDACTED] refused medical attention, denies any pain or injury, and had no visible injuries observed.

According to Injury Report FY23/8965, PIC [REDACTED] was seen by medical on June 27, 2023, at 1958 hours. The report noted PIC [REDACTED] refused medical attention, denies any injury, and had no visible injuries observed.

According to Injury Report FY23/8960, PIC [REDACTED] was seen by medical on June 27, 2023, at 2100 hours. The report noted PIC [REDACTED] refused medical attention, denies any pain or injury, and had no visible injuries observed.

According to Injury Report FY23/8957, PIC [REDACTED] was seen by medical on June 27, 2023, at 1920 hours. The report noted PIC [REDACTED] refused medical attention, and had no visible injuries observed.

According to Injury Report FY23/8961, PIC [REDACTED] was seen by medical on June 27, 2023, at 2040 hours. The report noted PIC [REDACTED] refused medical attention, denies any pain or injury, had no complain and had no visible injuries observed.

According to Injury Report FY23/8948, PIC [REDACTED] was seen by medical on June 27, 2023, at 1910 hours. The report noted PIC [REDACTED] refused medical attention, denies any pain or injury, and had no visible injuries observed.

According to Injury Report FY23/8964, PIC [REDACTED] was seen by medical on June 27, 2023, at 1958 hours. The report noted PIC [REDACTED] refused medical attention, denies any injury, and had no visible injuries observed.

As per the Central Operations Desk (COD), there were no reported staff injuries.

#### Accuracy of UOF Classification

This incident was accurately classified as a class "C" use of Force due to no PIC or staff injuries.

#### Brief Summary of Staff and PIC statements:

The PICs refused to provide a statement to the facility or medical staff.

An interview with the involved PICs were deemed unnecessary, due to the entire incident being captured on video evidence. In addition, on body-worn camera, the PICs were heard complaining of being sprayed for no reason which is consistent with video evidence.

The available staff reports were all generally consistent with what was observed on video footage and with each other.

In addition, Captain [REDACTED] reported she heard Officer [REDACTED] instructing PIC [REDACTED] to open his hand if that a weapon however, he refused. PIC [REDACTED] then threatened Officer [REDACTED] to fuck him up if he sprays and that he wanted to go back to ESH. PICs on the other side of the fence began threatening



staff when PIC [REDACTED] threw an unknown object over the fence to the PICs who surrounded staff. Multiple PICs wanted to return to their housing area and surrounded the door. The PICs refused to comply with orders and Officer [REDACTED] deployed chemical agents which made the PICs irate and more noncompliant. At which time, Captain [REDACTED] deployed chemical agents and compliance was gained.

Officer [REDACTED] reported PIC [REDACTED] became aggressive attempting to incite other PICs to assault staff at which time he utilized chemical agents the PIC's facial area ceasing his aggression preventing him from assaulting staff.

Captain [REDACTED] reported she responded to a level B in the yard when PIC [REDACTED] aggressively approached her and jumped in her face. She gave direct orders to step back but he refused and continued to advance at which time, Officer [REDACTED] deployed chemical agents toward the PICs facial area. Direct orders were given to the PICs to get on the wall. She also gave orders for the PICs to get on the wall however, PIC [REDACTED] continued to refuse and started to walk towards the wall. Individuals refused orders and did not turn around and faced the wall as instructed. At this time, she deployed chemical agents to PIC [REDACTED] facial area. Simultaneously she deployed chemical agents to PIC [REDACTED] and Myers, terminating the incident.

#### Facility Rapid Review:

The Rapid Review conducted by [REDACTED] deemed this incident unavoidable procedural errors identified, and corrective action recommended. The Rapid Review further noted that Captain [REDACTED] was observed utilizing chemical agents on inmates who appeared to be complying. Staff was able to capture the entire incident on BWC. Captain [REDACTED] has been suspended from duty.

#### Immediate Action

On July 1, 2023, this incident was referred to the Immediate Action Committee, and the following was the outcome: Captain [REDACTED] was suspended for 10 days by the facility.

#### Conclusion:

Based on the preponderance of evidence, it has been determined that the force utilized by Captain [REDACTED] was not justified or necessary as the PICs were complying and did not pose an imminent threat to staff. Which was not in accordance with Directive 5006R-D and 4510R-H. It is determined that Captain [REDACTED] did not provide a credible and accurate account of this incident in her report.

As a result of the above this case is being closed with charges for Captain [REDACTED] (MOC) for violating Departmental Directives and Rules and Regulations.



## CMS Preliminary Reviews Report for August 2023 (3595/23)

Investigator's Justification for Determination: UOF #: 3595/23

Facility: RMSC

## Synopsis

On July 17, 2023, at approximately 12:32:10 hours inside RMSC Intake, PIC [REDACTED] was observed entering the intake area through the vestibule gate. Immediately after entering into Intake PIC [REDACTED] was observed utilizing a right-handed closed fist to strike PIC [REDACTED] PIC [REDACTED] and [REDACTED] continued to engage in a physical altercation throwing Multiple closed fist strikes toward each other [REDACTED]. At 12:32:16 hours Officer [REDACTED] was observed retrieving an OC canister from Officer [REDACTED] and deploying one burst of chemical agent towards the facial areas of PICs [REDACTED]. Immediately after Officer [REDACTED] deployed the chemical agents, she was observed exiting the intake area abandoning custody and control of PIC [REDACTED]. Officer [REDACTED] was observed leaving Intake into the corridor abandoning custody and control of PIC [REDACTED]. PICs [REDACTED] continued to fight and at 12:32:32 hours Officer [REDACTED] were observed approaching PICs [REDACTED]. Officer [REDACTED] was observed deploying one burst of chemical agent toward the facial areas of PIC [REDACTED] and PIC [REDACTED]. At 12:32:34 hours Officer [REDACTED] was observed deploying a burst of chemical agent towards PICs [REDACTED] who continued to actively fight [REDACTED]. At 12:32:53 hours Officer [REDACTED] was observed deploying a second burst of chemical agent towards PIC [REDACTED] who continued to actively fight each other [REDACTED]. At 12:33:54 hours Officer [REDACTED] was observed deploying another burst of chemical agent in the direction of PIC's [REDACTED]. PIC [REDACTED] is observed putting PIC [REDACTED] in a headlock and throwing closed fist strikes to [REDACTED] head/facial area. PICs [REDACTED] were observed separating from each other. PIC [REDACTED] was observed with injuries (bloody shirt and face) that were sustained during the fight with PIC [REDACTED]. Officer [REDACTED] escorted PIC [REDACTED] to the decontamination area at 12:33:10 hours [REDACTED]. PIC [REDACTED] was observed walking around Intake. Intake Officers were observed opening several cell doors and pointing inside while PIC [REDACTED] turned around or walked past them. At 12:41:16 hours PIC [REDACTED] was observed inside of intake using a green cup and pouring an unknown clear color liquid on her face while wiping it off with a towel [REDACTED]. At 12:43:07 hours PIC [REDACTED] was observed walking into the mini medical area inside Intake [REDACTED]. At 12:51:48 hours PIC [REDACTED] was observed being secured inside of Pen number eight (8) [REDACTED] without further issue, terminating the incident.

## Photographic Evidence

The facility provided four-sided profile images of PIC [REDACTED]

The facility provided four-sided profile images of PIC [REDACTED]

## Video evidence:

The following video evidence was reviewed from July 17, 2023, from 12:00 hours to 1300 hours and depicted the incident as narrated above.

[REDACTED]

[REDACTED]

Body Worn Camera:

The investigator and supervisor verified that there was no (BWC) Body Worn Camera associated with this incident.

Handheld Camera:

The investigator and supervisor verified that there was no handheld footage associated with this incident.

Staff/PIC injuries

Injury to Inmate Report, FY23/097 noted that on July 17, 2023, at 1445 hours, PIC [REDACTED] was produced for prompt medical attention. Injury to Inmate Report states that PIC [REDACTED] was involved in a PIC-on-PIC fight that resulted in a Use of Force with DOC staff. PIC [REDACTED] medical report noted that there were no visible signs of injury and that PIC refused to be medically evaluated.

Injury to Inmate Report, FY23/095 noted that on July 17, 2023, at 1330 hours, PIC [REDACTED] was produced for prompt medical attention. Injury to Inmate Report states that PIC [REDACTED] was involved in a PIC-on-PIC fight that resulted in a Use of Force with DOC staff. PIC [REDACTED] medical report noted that there was a left-side jaw wound. PIC [REDACTED] was referred to urgent care for wound repair.

Note: Investigators contacted NYCHH [REDACTED] for an Update for PIC [REDACTED]. To date, there has been no response from the facility.

Investigators reviewed CHS Injury Report daily updates, and it was noted that PIC [REDACTED] had no serious injury.

There were no reported staff injuries by COD or the facility.

Accuracy of UOF classification:

This Use of Force was inaccurately classified as an "A" Use of Force. PIC injuries were sustained during the PIC-on-PIC fight and were not a result of staff actions. For this reason, this Use of Force needs to be reclassified as a "C" Use of Force. A reclassification request was sent to the facility.

A brief summary of PIC statements

PIC [REDACTED] refused to provide a statement to the facility and to medical staff.

PIC [REDACTED] refused to provide a statement to the facility and to medical staff

ID did not interview PIC [REDACTED] or PIC [REDACTED] because the UOF was fully captured on video.

Staff reports

submitted staff reports were reviewed and were consistent with the available video evidence and with each other.

Facility Rapid Review:

A Rapid Review conducted by Deputy Warden [REDACTED] noted that the incident was avoidable with no painful escort techniques and one violation noted for Officer [REDACTED] for failure to secure the main gate and that Officer [REDACTED] would be made subject to a Command Discipline. The Rapid Review also noted that there was no Body Worn Camera due to insufficient backings. No additional notes were provided.

A Command Discipline was generated for Officer [REDACTED] on 07/28/2023 CD# 2334/23. Pending Hearing Officer review.

The Investigation Division concurs with the facility's determination. However, the Investigation Division determined that Officers [REDACTED] and [REDACTED] were inefficient in their performance of duties when they abandoned their escort detail, and exited the area, leaving the PICs to continue with their assaultive behavior. For this reason, a Facility Referral will be generated with the recommendation for a Command Discipline for each officer. Additionally, Genetec revealed that PIC [REDACTED] was in imminent danger as PIC [REDACTED] placed her in a chokehold and applied pressure. Officers [REDACTED] failed to escalate the force being utilized once it was clear that chemical agents were ineffective. For this reason, it will be recommended that Officers [REDACTED] be made the subject of Documented Counseling and Use of Force and Chemical Agents retraining.

Conclusion:

The Investigation Division determined that the force utilized in this incident was avoidable, but necessary due to the PICs refusing to follow direct orders and to stop fighting and that there was an immediate need for compliance where lesser means such as IPC skills were ineffective. Furthermore, the force was in accordance with the Use of Force Directive 5006R-D and Chemical Agent Directive 4510R-H.

Based on the evidence cited above, it is recommended that this case be closed with a reclassification request and a Facility Referral.

## CMS Preliminary Reviews Report for August 2023 (3650/23)

Investigator's Justification for Determination: U3650-23

## Synopsis

On July 19, 2023, in RESH Building 11 Housing Area, PIC [REDACTED] was secured to the wall, by Officer [REDACTED] and afforded a phone call, under the Supervision of Captain [REDACTED]. Officer [REDACTED] walked up to PIC [REDACTED] and began to remove the restraints from him [REDACTED]. PIC [REDACTED] was secured in mechanical restraints by Officer [REDACTED] and escorted away from the institutional phones [REDACTED]). PIC [REDACTED] had stopped walking and appeared to be speaking with Captain [REDACTED]. PIC [REDACTED] was pulling away from Officer [REDACTED]. Officer [REDACTED] kept pointing in the other direction to PIC [REDACTED]. Captains [REDACTED] and Officer [REDACTED] all surrounded PIC [REDACTED] and appeared to speak with him [REDACTED]. Captain [REDACTED] took over the escort hold from Officer [REDACTED]. PIC [REDACTED] continued to pull away from both Captain [REDACTED] and Officer [REDACTED]. PIC [REDACTED] appeared to be irate, while Captain [REDACTED] spoke to him [REDACTED]. Officer [REDACTED] took over the escort hold from Captain [REDACTED]. PIC [REDACTED] jerked his body back and forth, Captain [REDACTED] placed both his hands on PIC [REDACTED] shoulders [REDACTED].

Officers [REDACTED] and [REDACTED] attempted to escort PIC [REDACTED] but he refused and pulled his body away from staff and sat down on the floor [REDACTED]. Staff assisted PIC [REDACTED] to his feet when Officer [REDACTED] relieved Officer [REDACTED] of her escort hold. Officer [REDACTED] pulled on PIC [REDACTED]'s right arm, but PIC [REDACTED] aggressively pulled back. Officer [REDACTED] pushed PIC [REDACTED] up against the wall then grabbed his leg irons and PIC [REDACTED] went down to the floor [REDACTED].

Officers [REDACTED] and [REDACTED] both relieved Officers [REDACTED]. Staff attempted several times to lift PIC [REDACTED] to his feet, but he continued to refuse. PIC [REDACTED] continued to resist standing up on his feet. Officer [REDACTED] arrived with a gurney. Staff lifted him up and placed him faced down on the gurney [REDACTED]. PIC [REDACTED] was escorted to Intake for medical attention and was faced down the entire escort [REDACTED].

## Photographic Evidence

The facility provided one (1) photo of PIC [REDACTED] and noted that he refused further photos.

The Investigation Division took four (4) photographs of the above-mentioned PIC.

## Video Evidence

The following video evidence was reviewed from 1250 to 1400 hours of the incident on July 19, 2023, and it depicted the incident as narrated above.

The investigator and supervisor verified that there was no BWC or Handheld evidence associated with this incident.

The Genetec Surveillance footage from the following angles/location were reviewed and requested for archival purposes:

██████████  
██  
██████████  
██

#### Staff/PIC Injuries

Injury to Inmate Report, FY24/090, noted that on July 19, 2023, at 1352 hours, PIC ██████████ was produced for prompt medical attention. The treating physician noted that PIC ██████████ had visible injuries to his mouth. An X-ray of both mandibles with negative findings was taken. PIC ██████████ had a repair of a 2-centimeter laceration on top of the chin. Cat scan with negative findings.

There were no reported staff injuries by COD or the facility.

#### Accuracy of UOF Classification

This incident was incorrectly classified as a "C" Use of Force. PIC ██████████ sustained a 2-centimeter laceration on the chin, with sutures. This case is recommended to be reclassified as an 'A' Use of Force.

#### Brief Summary of PIC Statements

PIC ██████████ refused to provide a statement to the facility.

PIC ██████████ gave a verbal statement to the Investigation Division, stating, 'I was handcuffed to the back with leg irons on my feet. I was trying to go inside the shower and the Officer pulled the leg irons and I fell hitting my face on the floor. I had stitches on my chin and suffer from head trauma'. The incident and UOF was captured on Genetec Surveillance footage.

PIC refused to sign HIPAA release form.

#### Staff Reports

Full ID will assess staff reports.

#### Facility Rapid Review

The Rapid Review conducted by Deputy Warden ██████████ of RESH noted that the incident was unavoidable and procedural errors were identified. Officer ██████████ is recommended to receive Use of Force Re-training for this incident. Also, PIC ██████████ was placed face down on the gurney and observed for the entire escort to medical face down.

#### Conclusion

Based on the evidence cited above, this case is being upgraded to Full ID due to a head strike allegation.

## CMS Preliminary Reviews Report for August 2023 (4797/22)

## Investigator's Justification for Determination: UOF 4797/22

On September 7, 2022, at approximately 1655 hours in the GRVC 10 Building Vestibule Area, PICs from 10A were able to exit when the feeding cart was brought in. During such time, 2 additional PICs were being escorted to the area. These 2 PICs were from 10B, and it appears they exchanged words with the PICs from 10A. The 10A PICs re-entered their housing area, but it appears the door was not secured, and the meal officer did not ensure it was closed. When the gate was opened to allow the 10B PICs, the 10A door opened, and the PICs briefly confronted one another. The 10B PICs had what appeared to be weapons on their persons that they took out. The 10A door appeared to be closed and the 10B door was opened, which led to several PICs from 10B exiting into the vestibule with weapons and the 10A door opening and those PICs exiting. Officer [REDACTED] deployed chemical agents [REDACTED]. The Rapid Response Team arrived and entered the housing area as the PICS were observed kneeling with their hands over their head as the Rapid Response Team deployed what appeared to be AGPTM-40 Grenades (3) towards the PICS [REDACTED]. The Rapid Response Team move forward utilizing chemical agents and began to secure the PICS [REDACTED]. The PICS were secured in their cells and in the main intake, terminating the incident.

Genetec video surveillance angles [REDACTED]

[REDACTED] were viewed from 1653 hours to [REDACTED] hours on September 7, 2022, in the GRVC 10 Building Vestibule Area

PIC [REDACTED] Injury report FY23/1099 was generated on September 7, 2022, at 1747 hours noted patient refused the physical exam and had no visible injuries. PIC Harvey received prompt medical attention.

PIC [REDACTED] Injury report FY23/1104 was generated on September 7, 2022, at 1747 hours noted patient denied injuries, had no acute distress and had no significant findings on the physical exam, and had no visible injuries. PIC [REDACTED] received prompt medical attention.

PIC [REDACTED] Injury report FY23/1107 was generated on September 7, 2022, at 1900 hours noted the patient had mild bilateral cuffed wrists and knee discomfort. The PIC was given analgesic times 1 and advised to return to the clinic if necessary and had no visible injuries. PIC [REDACTED] received prompt medical attention.

PIC [REDACTED] Injury report FY23/1109 was generated on September 7, 2022, at 1915 hours noted patient refused the physical exam and had no visible injuries. PIC [REDACTED] received prompt medical attention.

PIC [REDACTED] Injury report FY23/1087 was generated on September 7, 2022, at 1803 hours noted patient denied injuries, had no acute distress and had no significant findings on the physical exam, and had no visible injuries. PIC [REDACTED] received prompt medical attention.

PIC [REDACTED] Injury report FY23/1110 was generated on September 7, 2022, at 1920 hours noted patient refused the physical exam and had no visible injuries. PIC [REDACTED] received prompt medical attention.

Captains [REDACTED] Officers [REDACTED] did not claim injury in relation to this incident. This incident was correctly classified as a 'C' UOF, as there were no injuries sustained by the PICs or staff.

Available Staff reports were generally consistent with each other as to the events that occurred during the UOF and with video surveillance. Reports noted that the PICs were given instructions to stand by their cells to be secured and refused to follow those directions.

PIC interviews were not collected at the time of this writing.

According to the Rapid Review, the facility determined that this incident was avoidable due to Officer [REDACTED] failure to ensure the "A" side door was secured before opening the "B" side housing door. Officer [REDACTED] received a Command Discipline (Department CD Log #3670/22 and Command CD Log #GRVC466/22). Officer [REDACTED] was off post with multiple cell doors left unsecured and was made the subject of a Command Discipline ( Department CD Log #3669/22 and Command CD Log #GRVC465/22). Officer [REDACTED] failed to secure the "A" housing area door and was made the subject of a Command Discipline ( Department CD Log #3668/22 and Command CD Log #GRVC464/22).

The investigation determined that Captain [REDACTED] and Captain [REDACTED] deployed AGPTM-40 Grenades initially when they entered the housing area as the PICs were passively resisting with their hands on their head and kneeling. Captains [REDACTED] could have instructed their staff to secure the PICs or attempt to secure the PICs before deploying the grenades. The PICs then became disruptive, resistant and non-compliant prompting the Rapid Response team to utilize additional chemical agents to gain compliance. A facility referral was generated recommending documented counseling for Captain [REDACTED] in order for them to have a chance to review the incident.

This incident is being referred for further investigation.